

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

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DEC 02 2020
SC Court of Appeals

Appeal from Spartanburg County
Court of Common Pleas

J. Mark Hayes II, Circuit Court Judge

Case No. 2019-CP-42-02449

Estate of Maggie McCraw,
through the appointed personal representative, Ruby Knight, Respondent,

v.

Fundamental Clinical and Operational Services, LLC;
Fundamental Administrative Services, LLC; THI of South
Carolina at Magnolia Place at Spartanburg, LLC d/b/a Physical
Rehabilitation and Wellness Center of Spartanburg f/k/a
Magnolia Place at Spartanburg; Vohra Post-Acute Care
Physicians of the East, P.A.; and David Violette, M.D., Defendants,

Of whom Fundamental Clinical and Operational Services, LLC;
Fundamental Administrative Services, LLC; and THI of South
Carolina at Magnolia Place at Spartanburg, LLC d/b/a Physical
Rehabilitation and Wellness Center of Spartanburg f/k/a
Magnolia Place at Spartanburg are Appellants.

NOTICE OF 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)
Gaillard T. Dotterer III (SC Bar No. 103620)
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Attorneys for Appellants

Other Counsel of Record:

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POLIAKOFF & ASSOCIATES, P.A.
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Attorneys for Respondent

Robert H. Hood, Jr. (SC Bar No. 13491)
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HOOD LAW FIRM, LLC
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*Attorneys for Vohra Post-Acute Care Physicians
of the East, P.A., and David Violette, M.D.*

Defendants Fundamental Clinical and Operational Services, LLC; Fundamental Administrative Services, LLC; and THI of South Carolina at Magnolia Place at Spartanburg, LLC d/b/a Physical Rehabilitation and Wellness Center of Spartanburg f/k/a Magnolia Place at Spartanburg (collectively, "Appellants") hereby appeal the following orders of the Honorable J. Mark Hayes II, Circuit Court Judge, all of which are attached hereto and incorporated herein:

- Form 4 Order re: motion to compel arbitration and motions to stay, filed June 25, 2020;
- Formal Order re: motion to compel arbitration and motions to stay, filed July 16, 2020;
- Form 4 Order re: motion to alter, amend, and/or reconsider, filed October 16, 2020; and
- Formal Order re: motion to alter, amend, and/or reconsider, filed October 30, 2020.

Appellants received written notice of entry of the most recent order on October 30, 2020.

Respectfully submitted,

YOUNG CLEMENT RIVERS, LLP

By: s/Russell G. Hines

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

November 30, 2020

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Respondent,

v.

Fundamental Clinical and Operational Services, LLC;
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Rehabilitation and Wellness Center of Spartanburg f/k/a
Magnolia Place at Spartanburg; Vohra Post-Acute Physicians
of the East, P.A.; and David Violette, M.D.,

Defendants,

Of whom Fundamental Clinical and Operational Services, LLC;
Fundamental Administrative Services, LLC; and THI of South
Carolina at Magnolia Place at Spartanburg, LLC d/b/a Physical
Rehabilitation and Wellness Center of Spartanburg f/k/a
Magnolia Place at Spartanburg are

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 above named, do hereby certify that I have served Appellants' **NOTICE OF APPEAL** on all parties to this matter by depositing a copy of the same in the United States Mail, postage prepaid, on 30, 2020, addressed as follows to counsel of record, as well as via email to such counsel (see attached) and via E-filing the Notice of Appeal in the lower court:

Gary W. Poliakoff, Esquire
atty@gpoliakoff.com
Raymond P. Mullman, Jr., Esquire
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Edward John Waelde, Esquire
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Attorneys for Respondent

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P.O. Box 1508
Charleston, SC 29402
*Attorneys for Vohra Post-Acute Care
Physicians of the East, P.A.,
and David Violette, M.D.*

Respectfully submitted,
YOUNG CLEMENT RIVERS, LLP

By: s/Russell G. Hines
Russell G. Hines (SC Bar No. 72100)
Attorneys for Appellants

Charleston, South Carolina

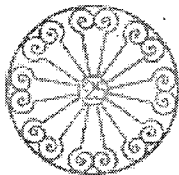
November 30, 2020

From: Hines, Russell
To: Boss Poliakoff; Ray Mullman; "John Waelde"; Bobby Hood, Jr.; Collier Jones
Cc: Brown, Stephen L.; Davis, Jay; Wakeham, Rebecca (Becky); Mettler, Kate C.; Dotterer III, Gaillard T. (Gilly); Bell, Pollyana (Polly); McNeil, Tasha; Justman, Aimee
Subject: McCraw v. Fundamental et al. -- Notice of Appeal
Date: Monday, November 30, 2020 12:50:58 PM
Attachments: [image003.png](#)
[McCraw v. Fundamental et al. -- Notice of Appeal.pdf](#)
[Appealed Order No. 1 - 2020 6-25 -- Form 4 Order.pdf](#)
[Appealed Order No. 2 - 2020 7-16 -- Formal Order.pdf](#)
[Appealed Order No. 3 - 2020 10-6 -- Form 4 Order.pdf](#)
[Appealed Order No. 4 - 2020 10-30 -- Formal Order.pdf](#)

Please find the attached **Notice of Appeal** (along with copies of the appealed orders) in the above-referenced matter.

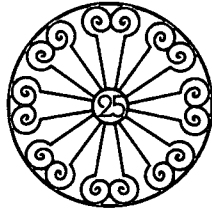
Russ

Russell G. Hines
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VIA US MAIL

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

Re: Estate of Maggie McCraw, through the appointed Personal Representative, Ruby Knight vs. Fundamental Clinical and Operational Services, LLC; Fundamental Administrative Services, LLC; THI of South Carolina at Magnolia Place at Spartanburg, LLC d/b/a Physical Rehabilitation and Wellness Center of Spartanburg f/k/a Magnolia Place at Spartanburg; Vohra Wound Physicians Management, LLC; Vohra Health Services, P.A.; and David Violette, M.D.
Case No.: 2019-CP-42-02449
Claim No.: HBLM #: 1922074
YCR File: 14347-20190022

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 on November 30, 2020. Additionally please find 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

cc (via US mail & e-mail): E. John Waelde, Esquire
Robert H. Hood, Jr., Esquire

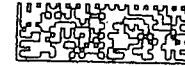
J. Collier Jones, Esquire
Gary W. Poliakoff, Esquire
Raymond P. Mullman, Jr., Esquire

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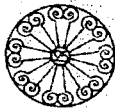
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