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SC Court of Appeals

NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

ROGER M. YOUNG, SR., Circuit Court Judge

Case No. 2020-CP-10-02811

William Davis, Jr., as Power of
Attorney for Betty Davis,

Respondent,

v.

BKD Charleston South Carolina,
LLC d/b/a Brookdale West Ashley
and Kathryn Daughery,

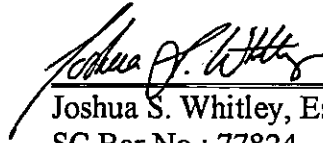
Appellants.

NOTICE OF APPEAL

BKD Charleston South Carolina, LLC d/b/a Brookdale West Ashley and Kathryn Daugherty, appeals the Order of the Honorable Ronger M. Young, Sr., dated November 24, 2020, denying Apellants' timely Motion to Reconsider the Court's denial of Defendants' Motion to Dismiss/Compel Arbitration.

Appellants received the Court's Order denying Defendants' Motion to Dismiss/Compel Arbitration on November 3, 2020. Appellants moved to reconsider the Court's denial of its Motion to Compel Arbitration on November 13, 2020. Appellants received the Court's Order denying its Motion to Reconsider on November 24, 2020. The Orders are attached hereto as Exhibits A and B.

December 23, 2020.



Joshua S. Whitley, Esquire

SC Bar No.: 77824

S. Tyler Graves, Esquire

SC Bar No.: 103173

Smyth Whitley LLC

126 Seven Farms Drive,

Suite 260

Charleston, South Carolina

29492

(843) 606-5635

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Attorneys for Appellants

Other Counsel of Record:

D. Nathan Hughey, Esquire

SC Bar No.: 68409

Bradley H. Banyas, Esquire

SC Bar No.: 101668

Hughey Law Firm, LLC

Post Office Box 348

Mount Pleasant, South Carolina 29465

(843) 881-8644

(888) 884-8311 *fax*

Attorneys for Respondent

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ROGER M. YOUNG, SR., Circuit Court Judge

Case No. 2020-CP-10-02811

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LLC d/b/a Brookdale West Ashley
and Katheryn Daughery

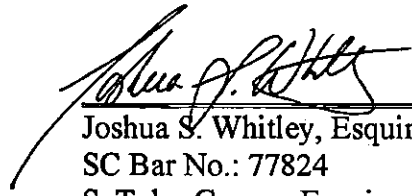
Appellants.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on William Davis, Jr. as Power of Attorney of Betty Davis by depositing a copy of it in the United States Mail, postage prepaid, on December 23, 2020, addressed to his attorneys of record, D. Nathan Hughey and Bradley H. Banyas at the Hughey Law Firm, Post Office Box 348 Mount Pleasant, South Carolina 29465.

[SIGNATURE PAGE TO FOLLOW]

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Attorneys for Appellants



SMYTH WHITLEY, LLP
ATTORNEYS AT LAW

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SC Court of Appeals

VIA UNITED STATES MAIL

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

Re: William Davis, Jr., as Power of Attorney for Betty Davis v. BKD Charleston South Carolina, LLC d/b/a Brookdale West Ashley and Kathryn Daughery
Charleston County Civil Action No.: 2020-CP-10-02811
Appellate Case No.: pending

Dear Ms. Kitchings:

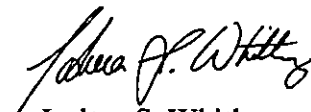
Enclosed for service please find an original and one (1) copy of a Notice of Appeal on behalf of BKD Charleston South Carolina, LLC d/b/a Brookdale West Ashley and Kathryn Daughery in this matter. Also enclosed are the following:

1. Proof of Service of the Notice of Appeal on the Respondents;
2. Copy of the Order Denying Defendants' Motion to Dismiss and Compel Arbitration;
3. Copy of Order Denying Defendants' Motion to Reconsider; and
4. A filing fee of \$250.00

Please file the originals and return the clocked copies in the enclosed self-addressed envelope. By copy of this correspondence, I am serving a copy on the Charleston County Clerk of Court and all counsel of record in this matter.

With warm personal regards, I remain,

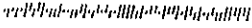
Very truly yours,



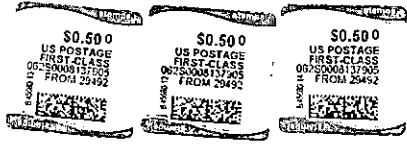
Joshua S. Whitley

JSW:tmm
Enclosures

cc: Counsel of Record
Charleston County Clerk of Court



Smyth Whitley, LLC
 126 Service Faires Drive
 Fort Citiana Plaza, Suite 1140
 Charleston, SC 29402



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

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