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SC Court of Appeals

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

Appeal from Spartanburg County
Court of Common Pleas

J. Mark Hayes, II, Circuit Court Judge

Case No. 2018-CP-42-03447
Appellate Case No. 2020-001107

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.

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

CLEMENT RIVERS, LLP
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Attorneys for Appellants

Appellants, Fundamental Clinical and Operational Services, LLC (“FCOS”); Fundamental Administrative Services, LLC (“FAS”); THI of South Carolina, LLC (“THI”); THI of South Carolina at Spartanburg, LLC d/b/a Magnolia Manor-Spartanburg (the “Facility”) (collectively, “Defendants”), designate the following matter for inclusion in the Record on Appeal, with duplicative matter (e.g., the Arbitration Agreement, which is attached as an exhibit to multiple filings) to appear in the Record on Appeal only once:

Orders

1. Form 4 Order filed August 23, 2019, regarding the Facility’s Motion to Compel Arbitration;
2. Order filed October 25, 2019, denying the Facility’s Motion to Compel Arbitration;
3. Form 4 Order filed June 25, 2020, regarding Defendants’ Motion to Reconsider;
4. Order filed July 13, 2020, granting in part and denying in part Defendants’ Motion to Reconsider;
5. Confidentiality Order, filed July 13, 2020;

Pleadings

6. Summons and Complaint (with affidavit of Paige Swatman, RN LNC), filed October 4, 2018;

Transcripts

7. Transcript of Hearing held July 25, 2019;
8. Transcript of Hearing held January 6, 2020;

Other Material

9. The Facility's Motion to Compel Arbitration, filed November 12, 2018;
 - a. Exhibit A, Arbitration Agreement
10. FAS's Motion to Stay, filed November 12, 2018;
11. FCOS's Motion to Stay, filed November 12, 2018;
12. THI's Motion to Stay, filed November 12, 2018;
13. Plaintiff's Motion for Confidentiality, filed March 15, 2019;
 - a. Exhibit 1, Plaintiff's Proposed Confidentiality Agreement;
 - b. Exhibit 2, Correspondence;
14. Plaintiff's Memo in Opposition to the Facility's Motion to Compel Arbitration, filed July 23, 2019;
 - a. Exhibit 2, Affidavit of Mary Jane McCraw;
15. The Facility's Memo in Support of Motion to Compel Arbitration, filed July 23, 2019;
 - a. Exhibit 1, Admission Agreement
 - b. Exhibit 2, Arbitration Agreement
16. FAS's Memo in Support of Motion to Stay, filed July 23, 2019;
 - a. Exhibit 1, The Facility's Motion to Compel Arbitration, filed November 12, 2018;
17. THI's Memo in Support of Motion to Stay, filed July 23, 2019;
 - a. Exhibit 1, The Facility's Motion to Compel Arbitration, filed November 12, 2018;
18. FCOS's Memo in Support of Motion to Stay, filed July 23, 2019;
 - a. Exhibit 1, The Facility's Motion to Compel Arbitration, filed November 12, 2018;
19. Defendants' Motion to Reconsider, filed November 4, 2019;

20. Plaintiff's Memo in Opposition to Defendants' Motion to Reconsider, filed January 3, 2020;
 - a. Exhibit 1, Affidavit of Lisa Mason;
 - b. Exhibit 2, Affidavit of Mary Jane McCraw;
21. Email from Plaintiff's counsel to Presiding Judge's law clerk dated July 8, 2020, transmitting Plaintiff's Proposed Order denying Defendants' Motion to Reconsider and Plaintiff's Proposed Confidentiality Order;
22. Email from Defendants' counsel to Presiding Judge's law clerk dated July 8, 2020, transmitting Defendants' Memo in Opposition to Plaintiff's Proposed Confidentiality Order and Defendants' alternative Proposed Confidentiality Order;
23. Email from Presiding Judge's law clerk dated July 9, 2020, advising of Judge's decision to sign Plaintiff's Proposed Order denying Defendants' Motion to Reconsider and Plaintiff's Proposed Confidentiality Order;
24. Defendants' Memo in Opposition to Plaintiff's Proposed Confidentiality Order, filed July 8, 2020;
 - a. Exhibit A, Defendants' Proposed Confidentiality Order;
25. Notice of Appeal (with Proof of Service and NEF in Circuit Court), served August 12, 2020.

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

<SIGNED ON THE FOLLOWING PAGE>

Respectfully submitted,
CLEMENT RIVERS, LLP

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February 10, 2021