

**RECEIVED**

**Apr 08 2021**

**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.

---

**MOTION FOR EXTENSION OF TIME  
TO FILE/SERVE INITIAL REPLY BRIEF OF APPELLANTS**

---

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*

NOW COME Appellants, by and through their undersigned counsel, pursuant to Rule 263(b), SCACR, and hereby move this Honorable Court for an extension of ten (10) days' time, i.e., from today, Thursday, April 8, 2021, to Monday, April 19, 2021,<sup>1</sup> to file/serve their initial reply brief and any corresponding designation of matter to be included in the record on appeal.

Respondent served her initial brief on March 29, 2021. Consequently, the deadline for any initial reply brief from Appellants is today, April 8, 2021, pursuant to Rule 208(a)(3), SCACR. Due to work-related and other time commitments, the undersigned is in need of additional time to draft Appellants' initial brief, and he submits that the relief herein requested is an appropriately modest dispensation that is consistent with the interests of justice that will not result in any undue prejudice to Respondent or delay, such that good cause exists for the Court to grant it.

WHEREFORE, Appellants move for an extension of ten (10) days' time to file/serve their initial reply brief and any corresponding designation of matter to be included in the record on appeal, i.e., an extension through Monday, April 19, 2021. Further, Appellants respectfully request that the Court hold their present

---

<sup>1</sup> Because the 10<sup>th</sup> day after today (Thursday, April 8<sup>th</sup>) falls on Sunday, April 18<sup>th</sup>, a 10-day extension would carry the deadline over to Monday, April 19<sup>th</sup>, pursuant to Rule 263(a).

initial-reply-briefing/designation-of-matter deadline in abeyance until it acts upon this motion.

Respectfully submitted,  
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)  
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*

Charleston, South Carolina

April 8, 2021

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

**RECEIVED**

**Apr 08 2021**

**SC 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.

**PROOF OF SERVICE**

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*

I, Russell G. Hines, of Clement Rivers, LLP, counsel for Appellants, hereby certify that I have served the **MOTION FOR EXTENSION OF TIME TO FILE/SERVE INITIAL REPLY BRIEF OF APPELLANTS** on Respondent on April 8, 2021, via email (see attached) to Respondent's counsel of record:

Gary W. Poliakoff, Esquire  
[atty@gpoliakoff.com](mailto:atty@gpoliakoff.com)  
Raymond P. Mullman, Jr., Esquire  
[rmullmanjr@gpoliakoff.com](mailto:rmullmanjr@gpoliakoff.com)  
Edward John Waelde, Esquire  
[jwaelde@gpoliakoff.com](mailto:jwaelde@gpoliakoff.com)  
Poliakoff & Associates, P.A.  
P.O. Box 1571  
Spartanburg, SC 29304

Jordan C. Calloway, Esquire  
[jcalloway@mcgowanhood.com](mailto:jcalloway@mcgowanhood.com)  
McGowan, Hood & Felder, LLC  
1539 Health Care Drive  
Rock Hill, SC 29732

*and*

Patrick E. Knie, Esquire  
[pknie@knielaw.com](mailto:pknie@knielaw.com)  
Patrick E. Knie Law Offices  
250 Magnolia Street  
Spartanburg, SC 29304

Respectfully submitted,  
CLEMENT RIVERS, LLP

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

Charleston, South Carolina

April 8, 2021

## Hines, Russell

---

**From:** Hines, Russell  
**Sent:** Thursday, April 8, 2021 5:58 PM  
**To:** 'Boss Poliakoff'; 'Ray Mullman'; 'John Waelde'; 'Pat Knie';  
'jcalloway@mcgowanhood.com'  
**Cc:** Brown, Stephen L.; Bell, Pollyana (Polly); Justman, Aimee  
**Subject:** 2020-001107 (Owens v. Fundamental) -- Motion for Extension re Appellants' Initial Reply Brief  
**Attachments:** 2020-001107 (Owens v. Fundamental) -- Motion for Ext for Appellants' Initial Reply Brief.pdf

Attached regarding the above-referenced appeal please find Appellants' **Motion for Extension of Time to File/Serve Initial Reply Brief of Appellants.**

Russell G. Hines  
CLEMENT RIVERS, LLP  
[www.ycrlaw.com](http://www.ycrlaw.com)  
25 Calhoun Street, Suite 400  
Charleston, South Carolina 29401  
P.O. Box 993 (29402)  
Phone: (843) 720-5488  
Fax: (843) 579-1327  
Email: [rhines@ycrlaw.com](mailto:rhines@ycrlaw.com)



**CLEMENT RIVERS, LLP**  
25 Calhoun Street • Suite 400 • Charleston, SC 29401  
[ycrlaw.com](http://ycrlaw.com)