

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

RECEIVED

Apr 28 2021

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 / Appellate Case No. 2020-001553

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.

CONSENT MOTION TO DISMISS APPEAL

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)
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Attorneys for Appellants

NOW COME Appellants, 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, by and through Appellants' undersigned counsel, joined by and with the consent of Respondent, Estate of Maggie McCraw, through the appointed personal representative, Ruby Knight, by and through Respondent's undersigned counsel, pursuant to Rule 260(b), SCACR, on the grounds that the Parties¹ have agreed to a settlement that moots the instant appeal and mutually desire the relief requested herein, and hereby move this Honorable Court to dismiss this appeal with no costs awarded to or assessed against any Party.

WHEREFORE, Appellants, joined by and with the consent of Respondent, request that the Court enter an order DISMISSING this appeal with NO costs awarded to or assessed against any Party.

<SIGNED ON THE FOLLOWING PAGE>

¹ The "Parties" refers to Appellants and Respondent, collectively. Individually, each of them is a "Party."

Respectfully submitted,
CLEMENT RIVERS, LLP

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Attorneys for Appellants

Charleston, South Carolina

April 28, 2021

WE JOIN AND CONSENT:

By: s/Raymond P. Mullman, Jr.
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Raymond P. Mullman, Jr.
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Attorneys for Respondent

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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

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Attorneys for Appellants

I, Russell G. Hines, of Clement Rivers, LLP, counsel for Appellants above named, do hereby certify that I have served the **CONSENT MOTION TO DISMISS APPEAL** on Respondent above named, as well as on the other Defendants above named who are not Appellants, on April 28, 2021, via email (see attached) to their counsel of record:

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Attorneys for Defendants Vohra Post-Acute Care Physicians of the East, P.A., and David Violette, M.D.

Respectfully submitted,
CLEMENT RIVERS, LLP

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Attorneys for Appellants

Charleston, South Carolina

April 28, 2021

Bell, Pollyana (Polly)

From: Bell, Pollyana (Polly)
Sent: Wednesday, April 28, 2021 1:24 PM
To: 'Boss Poliakoff'; 'Ray Mullman'; 'John Waelde'; 'jcalloway@mcgowanhood.com'; 'bobbyjr.hood@hoodlaw.com'; 'collier.jones@hoodlaw.com'
Cc: Hines, Russell; Justman, Aimee
Subject: Appellate Case No. 2020-001553; McCraw v. Fundamental Clinical
Attachments: Estate of McCraw (R. Knight, PR) v. Fundamental et al. -- Consent Motion to Dismiss Appeal.pdf

Good afternoon, attached please find a Consent Motion to Dismiss Appeal in the above-referenced matter which we intend to file today.

Thank you,
Pollyana Bell
Project Assistant
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