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**Jul 01 2021**

**SC Court of Appeals**

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

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Appeal from Spartanburg County  
Court of Common Pleas

Grace Gilchrist Knie, Circuit Court Judge

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Case No. 2020-CP-42-03593

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Trina Dawkins,  
as Personal Representative of the Estate of William Dawkins,

Respondent,

v.

Fundamental Clinical and Operational Services, LLC;  
Fundamental Administrative Services, LLC;  
THI of South Carolina, LLC;  
THI of South Carolina at Spartanburg, LLC;  
THI of South Carolina at Magnolia Manor-Spartanburg, LLC  
d/b/a Magnolia Manor-Spartanburg,

Appellants.

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**NOTICE OF APPEAL**

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CLEMENT RIVERS, LLP

Stephen L. Brown (SC Bar No. 66468)

D. Jay Davis, Jr. (SC Bar No. 12084)

James D. Gandy, III (SC Bar No. 11925)

Russell G. Hines (SC Bar No. 72100)

T. Ashton Phillips, III (SC Bar No. 104227)

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*Attorneys for Appellants*

**Other Counsel of Record:**

William A. Jordan III (SC Bar No. 101271)  
JORDAN LAW CENTER, LLC  
622 Wade Hampton Boulevard  
Greenville, South Carolina 29609  
(864) 235-0147

*Attorney for Respondent*

Defendants, Fundamental Clinical and Operational Services, LLC; Fundamental Administrative Services, LLC; THI of South Carolina, LLC; THI of South Carolina at Spartanburg, LLC; THI of South Carolina at Magnolia Manor-Spartanburg, LLC d/b/a Magnolia Manor-Spartanburg (collectively, “Appellants”),<sup>1</sup> hereby appeal the following orders of the Honorable Grace Gilchrist Knie, Circuit Court Judge:

- **Order Regarding Defendants’ Motions to Stay and Motion to Compel Arbitration**, filed April 8, 2021, and
- **Final Order Regarding Motion for Reconsideration**, filed June 1, 2021.<sup>2</sup>

Copies of the above-referenced appealed orders are attached hereto and incorporated herein by reference. Appellants received written notice of entry of the most recent order on June 1, 2021.

**<SIGNED ON THE FOLLOWING PAGE>**

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<sup>1</sup> Appellants are named consistent with the way Plaintiff/Respondent named them as Defendants in this action. Accordingly, the named Appellants include the named Defendants “THI of South Carolina at Spartanburg, LLC” and “THI of South Carolina at Magnolia Manor-Spartanburg, LLC d/b/a Magnolia Manor-Spartanburg;” however, the correct legal name for the entity doing business as Magnolia Manor-Spartanburg is “THI of South Carolina at Spartanburg, LLC.”

<sup>2</sup> This “Final” order was preceded by an Initial Order Regarding Motion for Reconsideration, filed May 13, 2021. As stated in the “Final” order, the “Initial” order simply advised the parties that the Court would decide Defendants’/Appellants’ motion for reconsideration without a hearing and, without requiring any additional written submission from any party, established deadlines for the filing of such submissions and replies thereto as the parties wished for the Court to consider in deciding the motion. Appellants do not believe it is necessary to appeal the Court’s “Initial” order; however, out of an abundance of caution, to the extent it may be necessary to include the “Initial” order in this appeal, it is so included.

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)  
James D. Gandy, III (SC Bar No. 11925)  
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Charleston, South Carolina

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THI of South Carolina, LLC;  
THI of South Carolina at Spartanburg, LLC;  
THI of South Carolina at Magnolia Manor-Spartanburg, LLC  
d/b/a Magnolia Manor-Spartanburg,

Appellants.

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**PROOF OF SERVICE**

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CLEMENT RIVERS, LLP  
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D. Jay Davis, Jr. (SC Bar No. 12084)  
James D. Gandy, III (SC Bar No. 11925)  
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*Attorneys for Appellants*

I, Russell G. Hines, of Clement Rivers, LLP, attorneys for Appellants, hereby certify that Appellants' **NOTICE OF APPEAL** was served on Respondent on July 1, 2021, by emailing (see attached email) a copy of the same to Respondent's counsel of record:

William A. Jordan III, Esquire  
[william@jordanlawcenter.com](mailto:william@jordanlawcenter.com)  
JORDAN LAW CENTER, LLC  
622 Wade Hampton Boulevard  
Greenville, SC 29609

*Attorney for Respondent*

I also certify that a copy of this **NOTICE OF APPEAL** was this day, July 1, 2021, E-Filed with the lower court (see attached NEF), thus also, i.e., in addition to service by email, effecting service of the notice today on Respondent's above-identified counsel of record via the E-Filing System.

Respectfully submitted,  
CLEMENT RIVERS, LLP

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

*Attorneys for Appellants*

Charleston, South Carolina

July 1, 2021

**From:** [Hines, Russell](#)  
**To:** ["william@jordanlawcenter.com"](mailto:william@jordanlawcenter.com)  
**Cc:** ["Brown, Steve"](#); [Davis, Jay](#); [Gandy, III, James D. \(Tripp\)](#); [Phillips, Ashton](#); [McNeil, Tasha](#); [Wakeham, Rebecca \(Becky\)](#); [Justman, Aimee](#); [Bell, Pollyana \(Polly\)](#)  
**Subject:** Dawkins v. Fundamental (Circuit Court Case No. 2020-CP-42-03593) -- Notice of Appeal  
**Date:** Thursday, July 1, 2021 7:49:30 PM  
**Attachments:** [image001.png](#)  
[Dawkins v. Fundamental -- Notice of Appeal.pdf](#)  
[Appealed Order filed 4-8-21 \(Order Denying Mot. to Stay and Mot. to Compel Arb.\).pdf](#)  
[Appealed Order filed 6-1-21 \(Order Denying Mot. to Reconsider\).pdf](#)

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Attached please find Appellants' **Notice of Appeal** in the above-referenced matter, along with copies of the **Appealed Orders** referenced in the notice.

Russell G. Hines  
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**\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\***  
**NOTICE OF ELECTRONIC FILING [NEF]**

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**A filing has been submitted to the court RE:** 2020CP4203593

**Official File Stamp:** 07-01-2021 07:55:19 PM  
**Court:** CIRCUIT COURT  
Common Pleas  
Spartanburg  
**Case Caption:** Trina Dawkins, As Pr Of The Estate Of William Dawkins VS Fundamental Clinical And Operational Services, Llc , defendant, et al  
**Document(s) Submitted:** Appeal/Notice of Appeal to Court of Appeals  
- Exhibit/Filing of Exhibits  
- Exhibit/Filing of Exhibits  
**Filed by or on behalf of:** Donald Jay Davis, Jr.

This notice was automatically generated by the Court's auto-notification system.

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**The following people were served electronically:**

James D. Gandy, III for Fundamental Clinical And Operational Services, Llc, Thi Of South Carolina At Spartanburg, Llc, Thi Of South Carolina, Llc, Fundamental Administrative Services, Llc  
Ted Ashton Phillips, III for Fundamental Clinical And Operational Services, Llc, Thi Of South Carolina At Spartanburg, Llc, Thi Of South Carolina, Llc, Fundamental Administrative Services, Llc  
William Ashley Jordan, III for Trina Dawkins, As Pr Of The Estate Of William Dawkins  
Donald Jay Davis, Jr. for Fundamental Clinical And Operational Services, Llc, Thi Of South Carolina At Spartanburg, Llc, Thi Of South Carolina, Llc, Fundamental Administrative Services, Llc

**The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:**

Thi Of South Carolina At Magnolia Manor-Spartanburg, Llc D/B