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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
In the Court of Common Pleas

R. Ferrell Cothran, Jr., Circuit Court Judge

Case No. 2020-CP-10-05443

Appellate Case No. 2021-_____

MARY AND JOHN DOE, Individually and as husband and wife, Respondents,

v.

MASSAGE ENVY FRANCHISING, LLC; JAXH, LLC D/B/A MASSAGE ENVY SPA (LONG GROVE DR.); and MICHAEL E. HUGHES, of whom MASSAGE ENVY FRANCHISING, LLC is the Appellant.

NOTICE OF APPEAL

Pursuant to Rule 203, SCACR, Appellant Massage Envy Franchising, LLC appeals, in part, the Order denying Massage Envy Franchising, LLC's Motion to Dismiss, or in the Alternative, Stay Litigation and to Compel Arbitration of Plaintiff Mary Doe's Claims, and/or in the Alternative to Dismiss Plaintiffs' Claims Pursuant to Rule 12(b)(6) ("Motion to Compel Arbitration"), entered by the Honorable R. Ferrell Cothran, Jr., on August 25, 2021. Appellant received electronic notice of the entry of the Order denying its Motion to Compel Arbitration on August 25, 2021. A copy of the Order denying Massage Envy Franchising, LLC's Motion to Compel Arbitration is attached hereto as **Exhibit A**.

Appellant hereby timely appeals the August 25, 2021 Order.

Respectfully Submitted,

/s Lindsay A. Joyner

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September 22, 2021
Columbia, South Carolina

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*Envy Spa (Long Grove Dr.), and
Michael Hughes*

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v.

MASSAGE ENVY FRANCHISING, LLC; JAXH, LLC D/B/A MASSAGE ENVY SPA (LONG GROVE DR.); and MICHAEL E. HUGHES, of whom MASSAGE ENVY FRANCHISING, LLC is the Appellant.

PROOF OF SERVICE

This is to certify that the undersigned counsel has caused to be served this day (1) copy of Notice of Appeal via electronic mail at the address stated in the Amended Order of the Supreme Court dated May 29, 2020 and as set forth below to the following:

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*Attorneys for Jmbh, LLC, Jaxh LLC d/b/a Massage
Envy Spa (Long Grove Dr.) and Michael Hughes*

A copy of the email serving counsel for Respondents is attached hereto.

Respectfully Submitted,

GALLIVAN, WHITE & BOYD, P.A.

/s Lindsay A. Joyner
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September 22, 2021

*Attorneys for Appellant Massage Envy
Franchising, LLC*

From: [Lindsay Joyner](#)
To: [Savage Law Firm Paralegal](#); [David Savage](#); [Andrew J. Savage](#)
Cc: [John T. Lay](#); [Atkins, Robert A](#); [Molly Craig](#); jeanmarie.jennings@hoodlaw.com; [Laura Sabo](#)
Subject: Mary Doe , plaintiff, et al VS Massage Envy Franchising Llc , defendant, et al C/A No. 2020CP1005443 [GWB-IMANMAIN.FID868967]
Date: Wednesday, September 22, 2021 1:07:59 PM
Attachments: [Letter filing Notice of Appeal.pdf](#)
[Notice of Appeal.pdf](#)

David and Andy,

As permitted by Supreme Court Order 2021-08-25-03, part (d), I am herewith serving via email Appellant Massage Envy Franchising, LLC's Notice of Appeal in the above-captioned matter. Shortly, I will be filing these documents with the Court of Appeals as permitted by Order 2021-08-25-03, part (b) (2), and will attach this email to the proof of service of the same.

Should you have any issues opening the attachments, please let me know. Thank you.

With warmest regards,

Lindsay



Lindsay Anne Joyner
Partner
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This message is from the law firm Gallivan, White & Boyd, PA and may be a confidential and privileged legal communication to the named recipient(s). If you receive this message in error or are not the named recipient(s), please notify the sender and delete this email. Thank you.

September 22, 2020

VIA ELECTRONIC FILING (ctappfilings@sccourts.org)
The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1229 Senate Street
Columbia, South Carolina 29201

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Sep 22 2021
SC Court of Appeals

Re: *Mary and John Doe, Individually and as husband and wife, Respondents v. Massage Envy Franchising, LLC; Jaxh, LLC d/b/a Massage Envy Spa (Long Grove Dr.); and Michael E. Hughes, of whom Massage Envy Franchising, LLC is the Appellant.*
Case No. 2020-CP-10-05443
GWB File No. 9461-3

Dear Ms. Kitchings:

Attached for electronic filing in accordance with Supreme Court Order 2021-08-25-02, part (b)(2), and pursuant to Rule 203 of the South Carolina Appellate Court Rules, please find the Notice of Appeal of Appellant Massage Envy Franchising, LLC in the above-captioned matter. As permitted by Order 2021-08-25-03, no other copies, whether paper or electronic, are being provided, unless requested by the Court.

By copy of this letter, we are serving counsel for Respondents via email as permitted by Order 2021-08-25-02, part (d), and attached is a proof of service to that effect.

A check in the amount of \$250.00 for the filing fee associated with this Notice of Appeal is being forwarded to your attention via U.S. Mail.

If you have any questions or need additional information, please do not hesitate to contact me.

With kind regards, I am

Sincerely,

GALLIVAN, WHITE & BOYD, P.A.



Lindsay A. Joyner

LAJ/lhs

Enclosure

cc: David L. Savage
Andrew J. Savage, III
Molly H. Craig
Jean Marie Jennings
John T. Lay, Jr.
Robert Atkins