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Feb 14 2022

SC Court of Appeals

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

Appeal from Spartanburg County
Court of Common Pleas

Grace Gilchrist Knie, Circuit Court Judge

Case No. 2021-CP-42-01048

Pamela Farmer,
as Personal Representative of the Estate of Wallace F. Powell,

Respondent,

v.

THI of South Carolina at Spartanburg, LLC
d/b/a Magnolia Manor-Spartanburg;
THI of South Carolina, LLC;
Jeanette Blankenship;
Rusty Flathmann; and
Angela Sherbert,

Appellants.

NOTICE OF 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)

Kara S. Grevey (SC Bar No. 101742)

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

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Attorneys for Appellants

Other Counsel of Record:

Charles E. Usry (SC Bar No. 76218)

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RIKARD & PROTOPAPAS, LLC

2110 North Beltline Boulevard

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(803) 978-6111

Attorneys for Respondent

Defendants, THI of South Carolina at Spartanburg, LLC d/b/a Magnolia Manor-Spartanburg; THI of South Carolina, LLC; Jeanette Blankenship; Rusty Flathmann; and Angela Sherbert (collectively, “Appellants”), hereby appeal the following orders of the Honorable Grace Gilchrist Knie, Circuit Court Judge:

- **Form 4 Order [Denying Defendants’ Motions to Compel Arbitration and Stay State Court Proceedings]**, filed December 2, 2021;
- **[Formal] Order Denying Defendants’ Motions to Compel Arbitration and Stay State Court Proceedings**, filed December 10, 2021; and
- **Final Order Regarding Motion for Reconsideration**, filed January 14, 2022.¹

Copies of the appealed orders are attached hereto and incorporated herein by reference. Appellants received written notice of entry of the most recent order on January 14, 2022.

<SIGNED ON THE FOLLOWING PAGE>

¹ This *Final* order was preceded by an *Initial* Order Regarding Motion for Reconsideration, filed December 22, 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 that 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)
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Charleston, South Carolina

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Appellants.

PROOF OF SERVICE

CLEMENT RIVERS, LLP

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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 February 14, 2022, by emailing (see attached email) a copy of the same to Respondent's counsel of record:

Charles E. Usry, Esquire
cusry@rplegalgroup.com
Jescelyn T. Spitz, Esquire
jspitz@rplegalgroup.com
RIKARD & PROTOPAPAS, LLC
2110 N. Beltline Blvd.
Columbia, SC 29204
Attorneys for Respondent

I also certify that a copy of this **NOTICE OF APPEAL** was this day, February 14, 2022, 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

February 14, 2022

Hines, Russell

From: Hines, Russell
Sent: Monday, February 14, 2022 2:41 PM
To: 'Jescelyn Spitz'; 'Charles Usry'
Cc: 'Emily Medlin'; Davis, Jay; Wakeham, Rebecca (Becky); Grevey, Kara S.; Phillips, Ashton; 'Brown, Steve'; Justman, Aimee; Bell, Pollyana (Polly)
Subject: Farmer v. Magnolia Manor-Spartanburg (21-CP-42-01048) -- Defendants' Notice of Appeal
Attachments: Farmer v. Magnolia Spartanburg -- Notice of Appeal.pdf; 2021 12-2 -- Form 4 Order Denying MsTCA and Mot. to Stay.pdf; 2021 12-10 -- Formal Order Denying MsTCA and Mot. to Stay.pdf; 2021 12-22 -- Initial Order re Mot. to Reconsider Denial of MsTCA and MTS.pdf; 2022 1-14 -- Final Order re Mot. to Reconsider.pdf

Attached regarding the above-referenced matter, please find Defendants' **Notice of Appeal** and the **attached orders**.

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

A filing has been submitted to the court RE: 2021CP4201048

Official File Stamp: 02-14-2022 02:46:15 PM
Court: CIRCUIT COURT
Common Pleas
Spartanburg
Case Caption: Pamela Farmer , plaintiff, et al VS Thi Of South Carolina At Spartanburg, Llc , defendant, et al
Document(s) Submitted: Appeal/Notice of Appeal to Court of Appeals
- Exhibit/Filing of Exhibits
- Exhibit/Filing of Exhibits
- Exhibit/Filing of Exhibits
- Exhibit/Filing of Exhibits
Filed by or on behalf of: Russell Grainger Hines

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

The following people were served electronically:

Russell Grainger Hines for Magnolia Manor-Spartanburg et al
Donald Jay Davis, Jr. for Magnolia Manor-Spartanburg et al
Kara Shea Grevey for Magnolia Manor-Spartanburg et al
Charles E. Usry for Pamela Farmer, Wallace F Powell
Jescelyn Tillman Spitz for Pamela Farmer, Wallace F Powell

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

Wallace F. Powell Estate
Pamela Farmer Personal Representative