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Mar 08 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Honorable Perry H. Gravely, Circuit Court Judge

Appellate Case No. 2022-000080

James Boyd,

Appellant,

v.

THI of South Carolina at Magnolia Place at Greenville, LLC;
Fundamental Administrative Services, LLC; and
Fundamental Clinical and Operational Services, LLC,

Respondents.

PETITION FOR REHEARING

ANASTOPOULO LAW FIRM, LLC
Roy T. Willey, IV (SC Bar No.: 101010)
Eric M. Poulin (SC Bar No.: 100209)
Stefan B. Feidler (SC Bar No.: 101918)
Janek C. Kazmierski (SC Bar No.: 100951)
32 Ann Street
Charleston, South Carolina 29403
(843) 614-8888

Attorney(s) for Appellant

TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA COURT OF APPEALS

COMES NOW Appellant, James Boyd (“Appellant”), by and through undersigned counsel, pursuant to Rule 221, SCACR, and moves for a petition for rehearing to reconsider the Court’s February, 22, 2022 Order (“Order”) dismissing Appellant’s appeal.

As grounds for this petition, Appellant would should that on December 29, 2021, the Final Order of Arbitration was filed with the Clerk of Court for the County of Greenville after the parties conducted arbitration. On January 17, 2022, Appellant filed the Notice of Appeal, appealing following orders of the Honorable Perry H. Gravley, Circuit Court Judge:

- His Honor’s **Order Granting Defendant THI of South Carolina at Magnolia Place at Greenville, LLC’s Motion to Compel Arbitration and Granting Fundamental Administrative Services, LLC and Fundamental Clinical and Operational Services, LLC’s Motions to Stay**, filed August 20, 2019; and
- His Honor’s **Order denying Plaintiff’s Motion to Reconsider and Affirming its previous Order granting Defendant’s Motion to Dismiss and Compel Arbitration**, filed October 17, 2019.

On February 22, 2022, Appellant received the Order dismissing Appellant’s appeal. The basis of the Order is that the order(s) on appeal are not immediately appealable. *See* S.C. Code Ann. § 15-48-200 (2005): *Carolina Care Plane, Inc. v. United HealthCare Services, Inc.*, 361 S.C. 544, 606 S.E.2d 752 (2004) (holding an order compelling the arbitration of certain claims and staying other claims is not immediately appealable); *Toler’s Cove Homeowners Assoc. v. Trident Construction Co.*, 355 S.C. 605, 586 S.E.2d 581 (2003) (holding an order compelling arbitration is not directly appealable). However, the parties conducted arbitration and the Arbitrator’s Final Order of Arbitration was filed. Therefore, based on the aforementioned Appellant petitions the Court for a rehearing on the Order dismissing this matter.

Respectfully submitted,

ANASTOPOULO LAW FIRM, LLC

By: Stefan B. Feidler

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Attorney(s) for Appellant

Charleston, South Carolina

Dated: March 8, 2022

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PROOF OF SERVICE

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Attorney(s) for Appellant

I, Stefan B. Feidler, of the Anastopoulo Law Firm, LLC, attorney for Appellant, hereby certify that the foregoing **APPELLANT'S PETITION FOR REHEARING** was served on all parties to this matter by email on March 8, 2022, followings:

D. Jay Davis, Jr.
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Respectfully submitted,

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Dated: March 8, 2022