

**RECEIVED**

**Mar 16 2022**

**SC Court of Appeals**

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

---

Appeal from Spartanburg County  
Court of Common Pleas

J. Mark Hayes, II, Circuit Court Judge

---

Case No. 2018-CP-42-03447  
Appellate Case No. 2020-001107

---

Estate of Barbara Owens,  
by and through her Personal Representative, Mary Jane McCraw,  
Individually and on behalf of Statutory Beneficiaries,

Respondent,

v.

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

Appellants.

---

**MOTION TO WITHDRAW AS COUNSEL OF RECORD**

---

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)  
25 Calhoun Street, Suite 400  
Charleston, South Carolina 29401  
P.O. Box 993 (29402)  
(843) 720-5488

*Attorneys for Appellants*

Appellants are represented in this matter by Clement Rivers, LLP (“CR”). Among the CR attorneys who have appeared in the matter on behalf of Appellants is **Kate C. Mettler**. Ms. Mettler has left CR to practice with another law firm. Accordingly, the other CR attorneys who have appeared on behalf of Appellants in this matter—namely, **Stephen L. Brown; D. Jay Davis, Jr.; and Russell G. Hines, all of whom shall remain counsel of record for Appellants**—joined by and with the consent of Ms. Mettler (as evidenced by her signature below, her signature block reflecting her new firm), hereby move this Honorable Court to allow **Ms. Mettler** to **withdraw** as counsel of record for Appellants.

<**SIGNED ON THE FOLLOWING PAGE**>

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)  
Russell G. Hines (SC Bar No. 72100)  
25 Calhoun Street, Suite 400  
Charleston, South Carolina 29401  
P.O. Box 993 (29402)  
(843) 720-5488  
*Attorneys for Appellants*

Charleston, South Carolina

March 16, 2022

**I JOIN AND CONSENT:**

By: s/Kate C. Mettler  
Kate C. Mettler (SC Bar No. 103762)  
GALLIVAN, WHITE & BOYD, PA  
40 Calhoun Street, Suite 300  
Charleston, South Carolina 29401  
(843) 414-8077

Charleston, South Carolina

March 16, 2022

**RECEIVED**

**Mar 16 2022**

**SC Court of Appeals**

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

---

Appeal from Spartanburg County  
Court of Common Pleas

J. Mark Hayes, II, Circuit Court Judge

---

Case No. 2018-CP-42-03447  
Appellate Case No. 2020-001107

---

Estate of Barbara Owens,  
by and through her Personal Representative, Mary Jane McCraw,  
Individually and on behalf of Statutory Beneficiaries,

Respondent,

v.

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

Appellants.

---

**PROOF OF SERVICE**

---

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)  
25 Calhoun Street, Suite 400  
Charleston, South Carolina 29401  
P.O. Box 993 (29402)  
(843) 720-5488

*Attorneys for Appellants*

I, Russell G. Hines, of Clement Rivers, LLP, attorneys for Appellants, hereby certify that the **MOTION TO WITHDRAW AS COUNSEL OF RECORD** was served via email (see attached) on the parties/persons below on March 16, 2022:

Gary W. Poliakoff, Esquire  
[atty@gpoliakoff.com](mailto:atty@gpoliakoff.com)  
Raymond P. Mullman, Jr., Esquire  
[rmullmanjr@gmail.com](mailto:rmullmanjr@gmail.com)  
Edward John Waelde, Esquire  
[jwaelde@gpoliakoff.com](mailto:jwaelde@gpoliakoff.com)  
Poliakoff & Associates, P.A.  
P.O. Box 1571  
Spartanburg, SC 29304

Patrick E. Knie, Esquire  
[pknie@knielaw.com](mailto:pknie@knielaw.com)  
Patrick E. Knie Law Offices  
250 Magnolia Street  
Spartanburg, SC 29306

Jordan C. Calloway, Esquire  
[jordan@mcgowanhood.com](mailto:jordan@mcgowanhood.com)  
McGowan, Hood & Felder, LLC  
1539 Health Care Drive  
Rock Hill, SC 29732

*All Above Attorneys for Respondent*

Kate C. Mettler, Esquire  
[kmettler@gwblawfirm.com](mailto:kmettler@gwblawfirm.com)  
Gallivan, White & Boyd, PA  
40 Calhoun Street, Suite 300  
Charleston, SC 29401

Respectfully submitted,  
CLEMENT RIVERS, LLP

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

*Attorneys for Appellants*

Charleston, South Carolina

March 16, 2022

## Bell, Pollyana (Polly)

---

**From:** Bell, Pollyana (Polly)  
**Sent:** Wednesday, March 16, 2022 11:35 AM  
**To:** 'atty@gpoliakoff.com'; 'rmullmanjr@gmail.com'; 'jwaelde@gpoliakoff.com';  
'pknie@knielaw.com'; 'Jordan Calloway'  
**Cc:** 'kmettler@gwblawfirm.com'; Hines, Russell; Justman, Aimee  
**Subject:** Owens v. Fundamental; Appellate Case No. 2020-001107  
**Attachments:** 2020-001107 (Owens v. Fundamental) --Mot. to Withdraw as Counsel.pdf

Enclosed please find a Motion to Withdraw as Counsel of Record in the above-referenced matter which will be filed today.

Thank you,

Pollyana Bell  
Project Assistant  
Commercial Litigation Practice Group  
Phone:(843)720-5488 | Fax:(843)579-1369



**CLEMENT RIVERS, LLP**  
25 Calhoun Street • Suite 600 • Charleston, SC 29401  
778.492.0001