

FILED: August 27, 2018

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-1900
(5:14-cv-00150-BO)

GERALDINE L. VANDEVENDER, Administrator of the Estate of Del Ray Baird, deceased, and Jacqueline Ann Baird, deceased; NORWOOD R. JONES, Co-Executor of the Estate of Elizabeth J. Jones, deceased; LISA J. PATE, Co-Executor of the Estate of Elizabeth J. Jones, deceased; JOYCE K. HARRISON, Administrator of the Estate of Bettie Mae Kee, deceased and Samuel Kee, Sr., deceased; RALPH D. JONES, JR., Co-Executor of the Estate of Elizabeth J. Jones, deceased

Plaintiffs - Appellants

and

SAMUEL KEE, SR., Individually

Plaintiff

v.

BLUE RIDGE OF RALEIGH, LLC, d/b/a Blue Ridge Health Care Center; CARE VIRGINIA MANAGEMENT, LLC, d/b/a Care Virginia; CARE ONE, LLC, d/b/a CareOne

Defendants - Appellees

and

RALEIGH REGIONAL REHAB CENTER, LLC, d/b/a Crabtree Valley
Rehab Center; NC MANAGEMENT HOLDINGS, LLC

Defendants

NORTH CAROLINA ADVOCATES FOR JUSTICE

Amicus Supporting Appellant

O R D E R

Upon motion of Appellants for publication of the Court's opinion,

IT IS ORDERED that the motion to publish is granted.

The Court amends its opinion filed August 2, 2018, as follows:

On the cover sheet in section 1, the status is changed from
“UNPUBLISHED” to “PUBLISHED.”

On the cover sheet in section 6, the status line is changed to read, “Affirmed
in part, reversed in part, and remanded with instructions by published opinion.”

On the cover sheet, the reference to the use of unpublished opinions as
precedent is deleted.

On page 5, in the first full paragraph, the cost savings are corrected to read,
“\$1,523,939.16.”

On page 9, in the first full paragraph, the citation to *Everhart* is now the full citation, *Everhart v. O'Charley's Inc.*, 683 S.E.2d 728, 738 (N.C. Ct. App. 2009).

On page 11, line 11, the word “he” is corrected to “her.”

For the Court – By Direction

/s/ Patricia S. Connor, Clerk