

From: [Gilliam, James](#)
To: [Court Of Appeals Filings](#); [Widener, Robert](#); [Jones, Celeste](#); jimwerner@parkerpoe.com; davidsummer@parkerpoe.com; katondawson@parkerpoe.com; ashleyjohnson@parkerpoe.com
Cc: [Shuler, Ann](#); [Gibson, Lisa](#); [Elkins, Amy](#); sherrieellison@parkerpoe.com; jillprater@parkerpoe.com; elvydiaz@parkerpoe.com
Subject: RE: MUSC v. HCA Healthcare, Inc. (2022-000352)
Date: Wednesday, October 12, 2022 4:49:54 PM
Attachments: [10_12_2022_15878.pdf](#)
[10_12_2022_15883.pdf](#)

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Dear Ms. Allen,

Respectfully, the letter dated October 12, 2022 is inconsistent with prior communications from the Court regarding the deadline for Respondents to file their initial brief. On July 22, 2022, the Court sent a letter noting, “the time limits for perfecting the appeal will be held in abeyance pending the Court’s decision” on the petition for supersedeas. Then, on August 19, 2022, the Court sent a second letter stating, “the case will be held in abeyance pending the Court’s decision on the Appellant’s Petition for Full Appellate Court Review of Order Denying Supersedeas.” The Court of Appeals decided the Petition for Supersedeas on August 11, 2022, and the Court decided Appellant’s Petition for Full Appellate Court Review of Order Denying Supersedeas on September 13, 2022. The Court has never stated its intent to hold the entire appeal in abeyance until it ruled on Respondents’ motion to hold the appeal in abeyance, which was filed on July 22, 2022.

At the same time, the Court has granted Respondents two 30-day extensions to file their initial brief. In the most recent Order, the Court noted, “No further extensions will be granted [absent] extraordinary circumstances.” The Appellants in this case filed their initial brief on May 20, 2022. Respectfully, the Appellants believe this most recent communication is in error and would ask that it be rescinded. According to Appellants’ calculations, Respondents time to file their initial brief is tomorrow.

Also, no attorney representing the Appellants were part of any “conversation” between counsel for Respondents and the Court staff that prompted the letter from the Court as of today’s date. Respectfully, the Appellants do not believe this was proper.

James Gilliam
Partner



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From: Spencer, Shelby <sspencer@sccourts.org>

Sent: Wednesday, October 12, 2022 3:38 PM

To: Widener, Robert <RWidener@burr.com>; Jones, Celeste <CTJones@burr.com>; Gilliam, James <JGilliam@burr.com>; jimwerner@parkerpoe.com; davidsummer@parkerpoe.com; katondawson@parkerpoe.com; ashleyjohnson@parkerpoe.com

Cc: Shuler, Ann <AShuler@burr.com>; Gibson, Lisa <LGibson@burr.com>; Elkins, Amy <AElkins@burr.com>; sherrieellison@parkerpoe.com; jillprater@parkerpoe.com; elvydiaz@parkerpoe.com

Subject: MUSC v. HCA Healthcare, Inc. (2022-000352)

[EXTERNAL EMAIL]

Dear Counsel,

Attached please find correspondence from the Court of Appeals. Please do not respond to this email. Send all correspondence to ctappfilings@sccourts.org.

Warmly,

Shelby Spencer

Senior Appeals Specialist

SC Court of Appeals

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