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May 23 2023

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court of South Carolina

APPEAL FROM THE ADMINISTRATIVE LAW COURT
The Honorable H.W. Funderburk, Jr., Administrative Law Judge

SUPREME COURT CASE NO. 2023-000402
APPELLATE CASE NO.: 2019-001159
ADMINISTRATIVE LAW COURT CASE NO.: 18-ALJ-07-0100-CC

Trident Medical Center, LLC, d/b/a Trident Medical Center Petitioner/Respondent,

v.

South Carolina Department of Health and Environmental Control
and Medical University Hospital Authority d/b/a MUSC Radiation Therapy Center
– Berkeley County Respondents,

Of Which Medical University Hospital Authority d/b/a MUSC Radiation
Therapy Center – Berkeley County is the Respondent/Appellant.

**CONSENT MOTION FOR VOLUNTARY DISMISSAL OF
PETITION FOR WRIT OF CERTIORARI**

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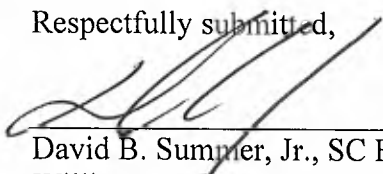
MOTION AND MEMORANDUM

The Petitioner Trident Medical Center, LLC d/b/a Trident Medical Center (“Trident”) and the Respondents South Carolina Department of Health and Environmental Control (“Department”) and the Medical University of South Carolina d/b/a MUSC Radiation Therapy Center (“MUHA”) (collectively, the “Parties”), by and through their undersigned attorneys, hereby respectfully move the Court pursuant to Rules 242, 260(b) and 261, SCACR, for an order dismissing the Petition for Certiorari filed by Trident on March 10, 2023, upon such terms as have been agreed to by the Parties as set forth below.

On May 16, 2023, Governor McMaster signed into law Senate Bill No. 164 (R. 27), which, among other things, amended the Certificate of Need (“CON”) law to eliminate the requirement that a provider seeking to establish a radiation therapy facility with a linear accelerator, such as the facility proposed by MUHA in this matter, must first obtain a Certificate of Need. In its Petition for Certiorari, Trident seeks as its ultimate relief that this Court reverse the Court of Appeals and either affirm the order of the Administrative Law Court (“ALC”) denying MUHA’s CON application or, in the alternative, that the Court remand this case back to the ALC for further findings of fact and conclusions of law with regard to MUHA’s compliance with CON requirements. As a result of the passage and signing of Senate Bill No. 164 repealing the CON requirements applicable to MUHA’s project, Trident’s request for relief is moot.

Therefore, in light of the impact of the new law, Trident moves, with the consent of MUHA and the Department, that Trident’s Petition for Certiorari and this appeal be dismissed and that all parties shall bear their own costs, fees, and expenses incurred with respect to this appeal. As evidenced by the signatures of the undersigned attorneys, all appellate counsel for the parties of record consent to this motion.

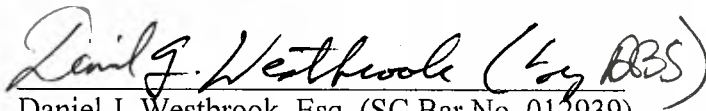
Respectfully submitted,



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