

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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APPEAL FROM THE ADMINISTRATIVE LAW COURT

The Honorable Milton G. Kimpson,  
Administrative Law Judge

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Case No. 21-ALJ-07-0107-CC

Appellate Case No. 2023-01722

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Medical University Hospital Authority d/b/a MUSC  
Shawn Jenkins Children's Hospital and Pearl Tourville  
Women's Pavilion,.....

Petitioner/  
Respondent,

v.

South Carolina Department of Health and Environmental  
Control and Trident Medical Center, LLC d/b/a  
Summerville Medical Center,.....

Respondents,

Of Which, Medical University Hospital Authority d/b/a  
MUSC Shawn Jenkins Children's Hospital and Pearl  
Tourville Women's Pavilion is the.....

Appellant.

AND

Trident Medical Center, LLC d/b/a Summerville Medical  
Center,.....

Petitioner/  
Respondent,

v.

South Carolina Department of Health and Environmental  
Control and Medical University Hospital Authority d/b/a  
MUSC Shawn Jenkins Children's Hospital and Pearl  
Tourville Women's Pavilion,.....

Respondents,

Of Which, Medical University Hospital Authority d/b/a  
MUSC Shawn Jenkins Children's Hospital and Pearl  
Tourville Women's Pavilion is the.....

Appellant.

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**APPEAL BOND**

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**WHEREAS**, On November 6, 2023, Medical University Hospital Authority d/b/a MUSC Shawn Jenkins Children's Hospital and Pearl Tourville Woman's Pavilion ("MUSC") filed a Notice of Appeal appealing the Administrative Law Court's Final Order dated August 7, 2023 (the "Final Order") and the denial of Appellant MUSC's motion to reconsider. A copy of the Notice of Appeal, without the Final Order, is attached hereto as **Exhibit A**.

**WHEREAS**, pursuant to S.C. Code Ann. section 44-7-220(C), Appellant MUSC has paid unto the Office of the Clerk of the South Carolina Supreme Court the sum of One Hundred Thousand and no/100 Dollars (\$100,000.00), in cash, said amount being the statutory bond amount for the project proposed by Petitioner/Respondent Trident Medical Center, LLC Center, d/b/a Summerville Medical Center ("TMC") that is at issue in this appeal.<sup>1</sup>

**NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS**, that Appellant MUSC is firmly bound unto Petitioner/Respondent TMC in the principal sum of One Hundred Thousand and no/100 Dollars (\$100,000.00), to the extent this sum or any portion thereof may be determined to be due to TMC upon final adjudication of Appellant MUSC's appeal. This cash bond shall be awarded only upon appropriate Order of the South Carolina Supreme Court. Nothing contained in this Bond shall be deemed an admission of any liability on the part of Appellant MUSC or waive Appellant MUSC's right to seek relief from the provisions of S.C. Code Ann. section 44-7-220(C) or to challenge its validity.

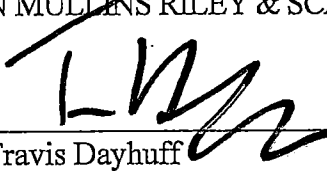
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<sup>1</sup> As set forth on page 20 of the Final Order, the total project cost of TMC's project is Two Hundred Eighty-Seven Thousand Six Hundred Forty-Eight and no/100 Dollars (\$287,648.00) as set forth on page of the Final Order. As five percent of the total project cost is less than \$100,000, the appeal bond amount is \$100,000 pursuant to S.C. Code Ann. section 44-7-220(C).

Should the Supreme Court reverse, in whole or in part, the Final Order of the Administrative Law Court, then this Bond, shall be void and returned to Appellant MUSC.

NELSON MULLENS RILEY & SCARBOROUGH LLP

By: \_\_\_\_\_

  
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November 9, 2023

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