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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
Milton G. Kimpson, Circuit Court Judge
Daniel Coble, Circuit Court Judge
L. Casey Manning, Circuit Court Judge

Appellate Case No. 2025-001024
Case No. 2019-CP-40-04452

_____)
Anesthesiology Professionals of)
Columbia, LLC,)
)
Respondent,)
)
v.)
)
Lifepoint Health d/b/a Providence Health)
and Providence Hospital LLC,)
)
Appellants.)
_____)

**OPPOSITION TO MOTION TO DISMISS AND MOTION FOR STAY PENDING
DISCOVERY CONCERNING RESPONDENT’S CERTIFICATE OF TERMINATION**

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Attorneys for Appellant

Appellants Lifepoint Health d/b/a Providence Health and Providence Hospital LLC's ("Lifepoint" or "Appellants") oppose the motion to dismiss filed by Respondent Anesthesiology Professionals of Columbia, LLC ("APC" or "Respondent").

First, APC's motion ignores a critical issue of subject matter jurisdiction that has only recently become apparent, and the issue is still pending with the trial court. Namely, APC filed Articles of Termination effective in January 2020, which terminated the existence of APC such that it had no legal standing or ability to pursue any of the proceedings which took place to vacate the arbitration award. Simply put, no legal relief could be awarded to APC by the trial or by this Court. Once Lifepoint discovered this and raised this issue with the trial court through a still-pending motion to confirm, APC filed a document purporting to be Articles of Correction attempting to void the Articles of Termination that had been on file for five years. The only basis for attempting to withdraw or void the earlier Articles of Termination is a simple statement by a non-member that APC's earlier Articles of Termination were done without authority. No explanation is given as to why a manager of the LLC who allegedly dissociated himself from the LLC in 2017 would, on his own with no authority, file Articles of Termination in 2020. In order to get to the bottom of the issue and to determine whether APC still even exists as an entity and who, if anyone, has the right to pursue claims on its behalf, Lifepoint asks, through this opposition and motion, that this appeal be stayed until such time as the trial court has a chance to permit discovery and fully adjudicate the motion pending before it.

In addition to the foregoing, this Court should deny the motion to dismiss as it ignores the fact that the lower court's decision inappropriately purports to bind the procedure for any new arbitration and this issue must be resolved BEFORE any new arbitration is commenced. A trial court's authority to vacate and remand for further arbitration is set forth in Section 15-48-130,

which only allows the court to order rehearing. The court may not, as has been done here, restrict the arbitrability of issues and curtail the power of the arbitrator.

Finally, even if the prior two arguments are rejected, this Court must recognize that the lower court's decision (however it is characterized) is a final order as it effectively ends all proceedings and an appeal must be allowed.

BACKGROUND

The parties proceeded to arbitration in March 2019, which ended in the arbitrator's Final Determination and Order on May 15, 2019, which concluded that neither party owed the other anything. On August 12, 2019, Respondent filed its petition to vacate the Final Determination and Order. Respondent did not serve a summons or petition for the legal challenge action on Appellants. Appellants were unaware of the legal challenge, were never told of it, had no input into any of the proceedings, and never were billed for it. Respondent's challenge of the arbitrator's Final Determination and Order began with a purported "accepted service" by counsel who had no engagement with Appellants to act in the legal challenge action, and who did not inform Appellants of the legal challenge action.

The legal challenge action resulted in an Order of the Circuit Court entitled "Proposed Order," purporting to vacate the arbitration result. A motion to reconsider was filed (again, unknown to Appellants) leading to another Order, which directed that an attached order be entered but no attached order was ever filed.

After the second above-referenced Order on the motion to reconsider, and after the passage of more than 30 days thereafter, Appellants learned for the first time about the legal challenge action, when they received a notice that an all new arbitration proceeding would allegedly need to occur as a result of the legal challenge action.

Appellants moved to dismiss the Orders of the Circuit Court vacating the first arbitration on grounds, inter alia, of lack of personal jurisdiction of Appellants. Appellants also requested in the alternative a ruling that the Order of the Circuit Court on the Motion to Reconsider be declared to be non-final because there had never been any final order sent out by the clerk with the attachment as ordered by the circuit court to occur. On May 31, 2023, Judge Coble issued an Order denying Appellants' motion. Appellants appealed that order, which this Court dismissed without explanation or citation to any authority in a three-sentence order as "interlocutory." The South Carolina Supreme Court denied certiorari. Based on this Court's "interlocutory" holding, Lifepoint examined the order of Judge Coble, particularly the Form 4 entered with it, and noticed that it indicated that the order "does not end the case" with no explanation, even though nothing remained to be done in the circuit court.

Given this ambiguity, Lifepoint again moved the circuit court to enter a final judgment making clear that the power and jurisdiction of the circuit court to act was complete and that nothing remained for the circuit court to decide. On April 22, 2025, Judge Kimpson entered an order (the "April 22 Order") denying Lifepoint's motion and checking the "does not end the case" box but making it clear in a lengthy explanation that nothing remained to be decided by the circuit court and that jurisdiction and power to act was returned to an arbitrator. On May 22, 2025, Appellants filed this appeal of the orders of the circuit court denying its motion to dismiss the petition to vacate for lack of jurisdiction.

Just prior to filing this appeal, as part of its analysis of Judge Kimpson's order, Lifepoint discovered that APC no longer existed under South Carolina law because APC had filed Articles of Termination on January 6, 2020. Exhibit 1. As a result, on May 21, 2025, Lifepoint filed a Motion to Confirm the Arbitration Award, premised on the fact that APC did not exist as a legal

entity and could not pursue any claim or be awarded any relief under South Carolina law. Exhibit 2. Days later, with no notice to the Court or to Appellants, on May 24, 2025, APC filed alleged Articles of Correction which purported to correct and withdraw retroactively the Articles of Termination filed more than five years earlier. Exhibit 3.

On June 24, 2025, APC filed its motion to dismiss the appeal.

ARGUMENT

I. Given APC’s Filing of Articles of Termination, Prior Court Orders Are Void. Alternatively, Further Discovery Is Needed To Determine Whether APC Exists.

While the lower court proceedings were initiated by APC prior to its termination, every relevant order by the lower court has been entered after APC terminated and had no legal standing. Indeed, at the time of the entry of the lower court orders, there was no existing legal entity in whose favor the requested relief could be entered. *Cf. Vanderhall v. State Farm Mut. Auto. Ins. Co.*, 2015 WL 15073838 (D.S.C. March 30, 2015) (Gergel, J.) (actions taken on behalf of an incapacitated party by others purporting to act for it are “simply legal Stardust of no effect or consequence” and “a legal nullity”). Thus, APC’s petition to vacate the arbitration was never timely and properly served upon Lifepoint pursuant to S.C. Code Ann. §§ 15-48-130(b) and 15-48-170, and the petition was pursued by a non-existing entity.

As reflected in the records of the South Carolina Secretary of State, on January 16, 2020, APC filed Articles of Termination. (See Attached Exhibit 1.) The “Articles of Termination filed with the Secretary by Gokul Gondi, the manager of APC, contained the following representations:

- a. The date of dissolution for APC was 5/15/19 (almost three months before the motion to vacate was filed in August purportedly on behalf of APC)¹;

¹ Notably, this means that the representations made by APC in the Petition to Vacate that claimed APC was, at all relevant times, an existing LLC were false as APC had been dissolved as of May 2019 and terminated its legal existence as of January 2020. APC never provided any supplemental

- b. APC had “wound up its business and terminated its legal existence”; and
- c. The delayed effective date was to be January 6, 2020 [long before any substantive orders granting vacation were entered].

See Exhibit 1; S.C. Code Ann. § 33-44-805 (“The existence of a limited liability company is terminated upon the filing of the articles of termination, or upon a later effective date, if specified in the articles of termination”). Once terminated, an LLC lacks the capacity to prosecute or defend lawsuits. *Muhler Co., Inc. v. State Farm Fire & Cas. Co.*, No. 20-1800, 2022 WL 327005, at *1 (4th Cir. Feb. 3, 2022); see also S.C. Code Ann. § 33-44-802 (comment: “The company is terminated on the filing of articles of termination.”).

Based on the above, at the time each of the Court’s orders/judgments were entered, APC did not exist. Consequently, each of the orders/judgment were void *ab initio* for lack of an identified, legally existing entity to pursue the claims asserted in addition to being void for failure of APC to timely and properly initiate the vacation petition against Lifepoint and bring it, as a party, before the Court. In the lower court, Lifepoint now seeks confirmation of the arbitrator’s Final Determination and Order based on this very fact. Exhibit 2.

After Lifepoint filed its motion noting this fact, Articles of Correction purporting to void APC’s termination were filed even though APC’s Articles of Termination were filed over five years before. Those purported Articles of Correction state that the Articles of Termination were incorrect because

Gondi had dissociated as a Member of APC effective November 6, 2017. None of the Members of APC ever authorized terminating

information to this Court or the Appeals Court during any of the subsequent briefing or proceedings to advise the courts that it no longer existed.

APC's legal existence. In Short [sic], Gondi was not authorized, directly or indirectly, to sign or file the Articles of Termination.

Rather than revising the Articles of Termination, the Articles of Correction purport to void the termination:

Erroneous termination of [APC] should be void ab initio and the company retroactively reinstated as if the Articles of Termination had not been filed.

APC's tactic is clear gamesmanship now that its non-existence has been discovered. But, if there is a question whether APC's termination is no longer effective because of the purported "correction," then further discovery in the lower court is necessary to build a record for this appeal. This discovery must include evidence regarding the basis, reason, and authority for the filing of the original Articles of Termination, the status and business affairs, if any, of the LLC during the five years of its termination, and the basis, reason, and authority for filing the alleged Articles of Correction. Before this Court can proceed to determine any legal rights of APC, it must have a basis upon which to decide if APC still exists. As a result, Lifepoint asks this Court to stay the current appeal and allow the trial court to develop a factual record and issue a ruling on the motion to confirm currently pending before it.

II. The Original Court Order Vacating the Arbitrator's Decision Which Was Incorporated into the Orders of Judge Coble and Kimpson Inappropriately Binds the Second Arbitration Hearing.

Even if this Court does not stay the current appeal, the appeal should not be dismissed as there are rulings which must be made before any new arbitration can occur. In addition to the fact that the lower court's prior orders are void for lack of jurisdiction, the lower court's orders exceed the power granted under S.C. Code Ann. § 15-48-130(c) of the South Carolina Uniform Arbitration

Act when purporting to vacate an arbitrator’s award.² In the original proposed order of August 4, 2021, later confirmed as a final order by Judge Coble and by Judge Kimpson in May 2025, the lower court attempts to limit what issues can be considered by an arbitrator in any new arbitration. In particular, the Order states that the arbitrator’s inquiry shall focus solely on the issues the parties had conducted discovery on related to Section 7.2 of the Agreement at issue. Under S.C. Code Section 15–48–130, the trial court has no authority to limit the conduct of a new arbitration. The only thing the trial court can do is order a new arbitration hearing and the arbitrator will have sole discretion to decide the appropriate scope of the hearing, the issues, and the discovery. *Main Corp. v. Black*, 357 S.C. 179, 181, 592 S.E.2d 300, 302 (2004) (court is divested of jurisdiction after case order to arbitration); *Cone v. Hood*, 425 S.E.2d 349, 350, 822 S.E.2d 599 (2018) (reversing circuit court orders purporting to exercise continued jurisdiction over a matter sent to arbitration and declaring such orders void and vacated). This issue must be addressed before any new arbitration is held to ensure the arbitration is allowed to proceed properly without improper judicial constraints.

² As to the merits of the orders dated April 2021 and November 2021 purporting to vacate the arbitration agreement on the grounds specified in S.C. Code Ann. §15-48-130(a), Lifepoint asserts that the Court erroneously applied the standards set forth in the statute and in case law (and hence, the arbitrator’s award should have been automatically confirmed pursuant to section 15-48-130(d)) if Lifepoint is ever required or allowed to defend the arbitrator’s award on its merits. Lifepoint also incorporates by reference its prior arguments that the Court never obtained jurisdiction over Lifepoint and was never empowered vacate the arbitrator’s award due to the untimely and improper service of APC’s petition to vacate. Lifepoint never had an opportunity to defend the arbitrator’s award and was denied due process because it was never properly served pursuant to S.C. Code Ann. §15-48-170 and had never retained or authorized anyone to act on its behalf on the petition to vacate. *Maybank 2754, LLC v. Zurlo*, 444 S.C. 47, 72–73, 906 S.E.2d 94, 108 (Ct. App. 2024) (“A court may not act against a party without personal jurisdiction. Moreover, a court should not render a judgment affecting the rights of a party without proper notice.”), *reh’g denied* (Sept. 17, 2024), *cert. denied* (Apr. 22, 2025).

III. APC's Law-of-the-Case Argument Fails.

APC principally seeks dismissal of this appeal based on the purely discretionary law-of-the case doctrine. *State v. Hewins*, 409 S.C. 93, 113 n.5, 760 S.E.2d 814, 824 n.5 (2014) (stating the law of the case doctrine “is a discretionary appellate doctrine with no preclusive effect on successive trial proceedings”). This argument misses the mark. The law-of-the case doctrine does not apply when evidence is substantially different on a second appeal. *Flexon v. PHC-Jasper, Inc.*, 413 S.C. 561, 574, 776 S.E.2d 397, 404 (Ct. App. 2015). Here, the evidence is different now that it has been discovered that APC does not exist under South Carolina law. Furthermore, since the filing of this appeal, the evidence has been altered through the filing of the Articles of Correction. While further discovery may be necessary, law of the case cannot apply because of this new evidence.

Furthermore, the April 22 order does not simply stay lower court proceedings as APC suggests. It ends the lower proceedings in lieu of the second arbitration *and* expressly prevents an appeal of the lower court's decision. Specifically, the lower court's April 22 Order “declines to characterize the April 26, 2023 and May 31, 2023 orders issued by a second Circuit Court Judge denying Respondents' June 2022 Motion to Dismiss as ‘final.’” Thus, the April 22 order affects Lifepoints' substantial rights by ending any opportunity for appeal. *Edwards v. SunCom*, 369 S.C. 91, 94, 631 S.E.2d 529, 530 (2006) (“Orders affecting a substantial right ‘discontinue an action, prevent an appeal, grant or refuse a new trial, or strike out an action or defense.’”) (citation omitted). All of this is being done despite the fact that the SCUAA recognizes a party's right to seek appellate review of a lower court's rulings on an arbitration award.

CONCLUSION

For these reasons, APC's motion to dismiss the appeal should be denied. Further, LifePont requests that its motion be granted to stay the appeal pending resolution and adjudication of the pending Motion to Confirm which was filed in the lower court based on the newly discovered evidence that APC did not exist as a legal entity during the time that all of the Court orders below were entered.

July 7, 2025

K&L GATES LLP

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Attorneys for Appellant

Exhibit 1

Jul 03 2025
REFERENCE ID: 1940802



STATE OF SOUTH CAROLINA
SECRETARY OF STATE

ARTICLES OF TERMINATION
LIMITED LIABILITY COMPANY - DOMESTIC

The following limited liability company, having dissolved and completed its winding up, terminates its existence by filing these articles of termination in accordance with the 1976 S.C. Code of Laws, as amended, Section 33-44-805:

1. The name of the limited liability company is:

Anesthesiology Professionals of Columbia

2. The date the articles of organization were filed is 2/3/14.

3. The date of the dissolution of this limited liability company was 5/15/19.

4. Has the company wound up its business and terminated its legal existence? yes

5. Unless otherwise specified, these articles are effective when endorsed for filing by the Secretary of State. Specify the date of any delayed effective date: 1/6/20
(Date)

[Signature]
(Signature)

Gokul Gondi
(Print Name)

1/6/20
(Date)

Capacity/Position of Person Signing (You must check one box.)

Manager Member Organizer

Fiduciary Attorney-in-Fact

Exhibit 2

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
) FIFTH JUDICIAL CIRCUIT
COUNTY OF RICHLAND) CASE NO. 2019-CP-40-04452

Anesthesiology Professionals of Columbia LLC,)
)
) Petitioner,)
)
) vs.)
)
Lifepoint Health d/b/a Providence Health and)
Providence Hospital LLC,)
)
) Appellee.)
)

**MOTION TO CONFIRM THE
ARBITRATION AWARD**

Pursuant to SCRCP 60(b)(4) and S.C. Code Ann. § 15-48-120, Lifepoint Health moves the Court for an order vacating its orders of April 22, 2025, May 31, 2023, April 26, 2023, November 2021, and August 2021, and entering an order confirming the arbitrator’s award dated May 15, 2019. The grounds for the motion are the following:

1. After receiving notice of the entry of the Court’s April 22, 2025 Order, Lifepoint, preparing for post-judgment practice, discovered that Petitioner, Anesthesiology Professionals of Columbia, LLC (“APC”) had, prior to the entry of any of the Court’s orders, wound up its business and dissolved as a legal entity. Because of this, in addition to all previous grounds asserted by Lifepoint as to why the Court lacked jurisdiction to enter an order vacating the arbitration award of May 15, 2019, which are incorporated in full by reference,¹ the Court’s orders are all void. At

¹ See the following documents available on the Richland County Public Index: Motion to Dismiss or in the Alternative to Enter Final Order & Memorandum (6/10/22); Supplemental Exhibits in Support of Motion to Dismiss (8/24/2022); and Motion for Entry of Final Order and Judgment on Motion to Dismiss (11/22/2024). The following additional filings are available through the S.C. Appellate Court Public Index (C-Track Public Access - South Carolina Judicial Branch): Appealability Letter/Memo (7/31/23); Petition for Rehearing/Rehearing En Banc (9/28/2023); and Petition for Writ of Certiorari (4/24/2024) for Appellate Case No. 2023-001058.

the time of their entry, there was no existing legal entity in whose favor the requested relief could be entered. *Cf. Vanderhall v. State Farm Mut. Auto. Ins. Co.*, 2015 WL 15073838 (D.S.C. March 30, 2015) (Gergel, J.) (actions taken on behalf of an incapacitated party by others purporting to act for it are “simply legal Stardust of no effect or consequence” and “a legal nullity”). The petition to vacate the arbitration was never timely and properly served upon Lifepoint pursuant to S.C. Code Ann. §§ 15-48-130(b) and 15-48-170, and the petition was pursued by a non-existing entity such that Lifepoint was denied due process and given no opportunity to properly defend the arbitration award.

As reflected in the records of the South Carolina Secretary of State, on January 16, 2020, APC filed Articles of Termination. (See Attached Exhibit 1.) The “Articles of Termination filed with the Secretary by Gokul Gondi, the manager of APC, contained the following representations:

- a. The date of dissolution for APC was 5/15/19 (almost three months before the motion to vacate was filed in August purportedly on behalf of APC)²;
- b. APC had “wound up its business and terminated its legal existence”; and
- c. The delayed effective date was to be January 6, 2020 [long before any substantive orders granting vacation were entered].

See Exhibit 2; S.C. Code Ann. § 33-44-805.

Based on the above, at the time each of the Court’s orders/judgments were entered, APC did not exist as an ongoing entity. Consequently, each of the orders/judgment were void ab initio for lack of an identified, legally existing entity to pursue the claims asserted in addition to being void for failure of APC to timely and properly initiate the vacation petition against Lifepoint and

² Notably, this means that the representations made by APC in the Petition to Vacate that claimed APC was, at all relevant times, an existing LLC were false as APC had been dissolved as of May 2019 and terminated its legal existence as of January 2020. APC never provided any supplemental information to this Court or the Appeals Court during any of the subsequent briefing or proceedings to advise the courts that it no longer existed.

bring it, as a party, before the Court. The Court should enter its order vacating each of its prior orders in this case and enter an order confirming the arbitration award.³

2. In addition, the April 22, 2025, Order of the Court, along with the prior orders of the Court, are void for lack of jurisdiction because they exceed the power of the circuit court granted under S.C. Code Ann. § 15-48-130(c) of the South Carolina Uniform Arbitration Act when purporting to vacate an arbitrator's award.⁴

The April 22 Order purports to deny entry of a final order, judgment, or decree in the matter before the Court while still sending the matter to an arbitrator for a new hearing. The Order directly contravenes the South Carolina Supreme Court's repeated holdings under the SCUAA that once a matter is sent to arbitration, "the circuit court [is] divested of jurisdiction over the case." *Main Corp. v. Black*, 357 S.C. 179, 181, 592 S.E.2d 300, 302 (2004); *Cone v. Hood*, 425 S.E.2d 349, 350, 822 S.E.2d 599 (2018) (reversing circuit court orders purporting to exercise continued jurisdiction over a matter sent to arbitration and declaring such orders void and vacated).

³ Lifepoint acknowledges that ordinarily, one circuit judge may not set aside the order of another circuit court judge. *Enoree Baptist Church v. Fletcher*, 287 S.C. 602, 340 S.E.2d 546 (1986) . However, where, as here, "the circumstances that led to a prior ruling have changed, ... the trial judge should not be bound by an order that no longer serves the interests of justice. *Rice v. Doe*, 442 S.C. 160, 165-66, 898 S.E.2d 127, 130 (2024); *see also Steele v. Charlotte, Columbia & Augusta R.R.*, 14 S.C. 324, 330 (1880) (allowing rehearing by a different judge where "there is a new state of facts arising after the decision")

⁴ As to the merits of the orders dated April 2021 and November 2021 purporting to vacate the arbitration agreement on the grounds specified in S.C. Code Ann. §15-48-130(a), Lifepoint asserts that the Court erroneously applied the standards set forth in the statute and in case law (and hence, the arbitrator's award should have been automatically confirmed pursuant to section 15-48-130(d)) if Lifepoint is ever required or allowed to defend the arbitrator's award on its merits. Lifepoint also incorporates by reference its prior arguments that the Court never obtained jurisdiction over Lifepoint and was never empowered vacate the arbitrator's award due to the untimely and improper service of APC's petition to vacate. *See, supra*, n. 1. Lifepoint never had an opportunity to defend the arbitrator's award and was denied due process because it was never properly served pursuant to S.C. Code Ann. §15-48-170 and had never retained or authorized anyone to act on its behalf on the petition to vacate.

In this case, the Court has resolved all the claims and arguments of all the parties committed to a circuit court's jurisdiction under the SCUAA and has, by its orders, divested itself of jurisdiction and returned the matter to an arbitrator. Other than vacating or confirming the arbitrator's award, the court has no further jurisdiction, and there is nothing more it is empowered to do. Contrary to the language of the Court's April 22 Order, the Order meets the definition of a "Judgment" under SCRCP 54(a). Contrary to the face of the Order, the April 22 Order "ends" the case in the Circuit Court. The Circuit Court can only ever assume new jurisdiction by affirmative act of the parties pursuant to the provisions of the SCUAA.

Conclusion

For the reason set forth above, Lifepoint moves the Court to vacate each of the orders entered by the Court in this matter and enter an order confirming the arbitration award.

Dated: May 21, 2025

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*Attorneys for Respondents Lifepoint
Health d/b/a Providence Health and
Providence Hospital, LLC*

Exhibit 3

Jul 01 2025
REFERENCE ID: 1938909

STATE OF SOUTH CAROLINA
SECRETARY OF STATE

ARTICLES OF CORRECTION
LIMITED LIABILITY COMPANY


SECRETARY OF STATE OF SOUTH CAROLINA

The limited liability company in accordance with Section 33-44-207 of the 1976 S.C. Code of Laws, as amended corrects a record filed by the Secretary of State, which record contains a false or erroneous statement or was defectively signed.

1. The name of the limited liability company is:

ANESTHESIOLOGY PROFESSIONALS OF COLUMBIA, LLC

2. That on 05/24/2025 the corporation filed (fill out whichever is applicable):

a. The following described document:

b. The attached document (attach copy of the document).

3. That this document was incorrect in the following manner:

Gondi had dissociated as a Member of APC effective November 6, 2017. None the Members of APC ever authorized terminating APC's legal existence. In Short, Gondi was not authorized, directly or indirectly, to sign or file the Articles of Termination.

4. That the incorrect matters stated in Paragraph 3 should be revised as follows:

Additional Info: Erroneous termination of Anesthesiology Professionals of Columbia, LLC should be void ab initio and the company retroactively reinstated as if the Articles of Termination had not been filed.

Date: 05/24/2025

Signed as Attorney-in-Fact: Leonard Harris: (Electronically Signed)

(Signature)

Leonard Harris

(Print Name)

Attorney

(Office)

CERTIFIED TO BE A TRUE AND CORRECT COPY

AS TAKEN FROM AND COMPARED WITH THE

ORIGINAL ON FILE IN THIS OFFICE

Business of ANESTHESIOLOGY PROFESSIONALS OF COLUMBIA, LLC ("APC")

Signature Page for Secretary of State Business Filing

This page must be completed, scanned, and attached to any business filing where one of the following is true.
- Required for forms where the signee is not present upon online submission and a filing party is providing a digital signing on their behalf. If the provided space is not enough, please attach multiple pages.

Signature of Mark Hammond, Secretary of State of South Carolina

(Officer, Incorporator, Director, Agent, Partner, etc)

Required for forms where the signee is not present upon online submission and a filing party is providing a digital signing on their behalf. If the provided space is not enough, please attach multiple pages.

DocuSigned by: Robert Beesburg

Robert Beesburg
Date: 5/24/2025 | 10:20:24 AM PDT
Member of APC
Signature Title / Position

DocuSigned by: Timothy Fengler

Timothy Fengler
Date: 5/24/2025 | 9:25:16 AM PDT
Member of APC
Signature Title / Position

Form with fields for Name Date and Signature Title / Position, repeated three times.

Scan and Upload this document to the Business Filing System during the filing process.
File must be PDF format.

Mark Hammond
SECRETARY OF STATE OF SOUTH CAROLINA
July 01 2025

REFERENCE ID: 1938909

STATE OF SOUTH CAROLINA
SECRETARY OF STATE

ARTICLES OF TERMINATION
LIMITED LIABILITY COMPANY - DOMESTIC

The following limited liability company, having dissolved and completed its winding up, terminates its existence by filing these articles of termination in accordance with the 1976 S.C. Code of Laws, as amended, Section 33-44-805:

1. The name of the limited liability company is:

Anesthesiology Professionals of Columbia

2. The date the articles of organization were filed is 2/3/14.

3. The date of the dissolution of this limited liability company was 5/15/19

4. Has the company wound up its business and terminated its legal existence? yes

5. Unless otherwise specified, these articles are effective when endorsed for filing by the Secretary of State. Specify the date of any delayed effective date:

1/6/20
(Date)

[Signature]
(Signature)

Gokul Gondi
(Print Name)

1/6/20
(Date)

Capacity/Position of Person Signing (You must check one box.)

Manager Member Organizer

Fiduciary Attorney-in-Fact

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THE STATE OF SOUTH CAROLINA
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APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
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Anesthesiology Professionals of)
Columbia, LLC,)
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Respondent,)
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Lifepoint Health d/b/a Providence Health)
and Providence Hospital LLC,)
)
Appellants.)
_____)

PROOF OF SERVICE

I certify that I have served a copy of the **Opposition to Motion to Dismiss and Motion for Stay Pending Discovery Concerning Respondent’s Certificate of Termination** by depositing a copy of it in the United States Mail, postage prepaid, on July 7, 2025, addressed to its attorneys of record:

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Charleston, SC
July 7, 2025