

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

RECEIVED

JAN 21 2014

APPEAL FROM JASPER COUNTY  
Brooks P. Goldsmith, Circuit Court Judge

SC Court of Appeals

Case No. 2009-CP-27-0331

Phillip Flexon, M.D. .... Respondent,

v.

PHC-Jasper, Inc., d/b/a Coastal Carolina  
Medical Center, Coastal Carolina Medical  
Center, Inc., Lifepoint Hospitals, Inc., and  
Tenet Healthsystems, Inc., ..... Defendants,

Of Whom Lifepoint Hospitals, Inc., is ..... Appellant.

DESIGNATION OF MATTER TO BE  
INCLUDED IN THE RECORD ON APPEAL

Appellant proposes the following be included in the Record on Appeal:

1. Physician Employment Agreement, December 18, 2006;
2. Complaint of Respondent, May 26, 2009;
3. Answer of Defendant PHC-Jasper, Inc., d/b/a/ Coastal Carolina Medical Center ("CCMC"), July 17, 2009;
4. Answer of Appellant, August 3, 2009;
5. CCMC Motion to Stay and for Order Compelling Arbitration, October 23, 2009;
6. CCMC Memorandum in Support of Motion to Stay and for Order Compelling Arbitration, October 23, 2009;
7. Respondent's Memorandum in Opposition to CCMC's Motion Compelling Arbitration, dated November 25, 2009;
8. Respondent's Answers to CCMC's Interrogatories, April 29, 2010;

9. Transcript of Hearing, June 9, 2010;
10. Consent Scheduling Order, June 16, 2010;
11. Appellant's Motion to Compel Arbitration, June 17, 2010;
12. Order Denying CCMC's Motion to Compel Arbitration, July 7, 2010;
13. Respondent's Final Appellate Brief, dated February 21, 2011;
14. CCMC's Final Appellate Brief, dated February 24, 2011;
15. CCMC's Final Appellate Reply Brief, dated February 24, 2011;
16. Respondent's Return to CCMC's Petition for Rehearing, dated March 29, 2012;
17. Consent Scheduling Order, September 18, 2012;
18. Consent Scheduling Order, February 1, 2013;
19. Deposition Transcript of Respondent, April 30, 2013;
20. Appellant's Renewed Motion to Compel Arbitration and Stay Action, May 31, 2013;
21. Consent Scheduling Order, July 2, 2013;
22. CCMC's Notice of Motion and Motion for Relief from Judgment pursuant to Rules 60(b), August 9, 2013;
23. CCMC's Memorandum in Support of its Motion for Relief from Judgment pursuant to Rules 60(b), September 5, 2013;
24. Respondent's Memorandum in Opposition to Appellant's Renewed Motion to Compel Arbitration and Stay Action, dated September 3, 2013;
25. Appellant's Reply to Respondent's Memorandum in Opposition to Appellant's Renewed Motion to Compel Arbitration and Stay Action, dated September 4, 2013;
26. Transcript of Motions Hearing, September 9, 2013;
27. Order Denying Appellant's Renewed Motion to Compel Arbitration, September 30, 2013;
28. Respondent's Motion to Alter and Amend Judgment, dated October 2, 2013;
29. Order Denying Respondent's Motion to Alter and Amend Judgment, dated October 24, 2013.

I certify that this designation contains no matter which is irrelevant to this appeal.

Trudy H. Robertson

Trudy H. Robertson (SC Bar No. 64856)

Joseph T. Belton (SC Bar No. 71993)

MOORE & VAN ALLEN, PLLC

78 Wentworth Street

Post Office Box 22828

Charleston, SC 29413-2828

Telephone: (843) 579-7000

Facsimile: (843) 579-8799

Email: [trudyrobertson@mvalaw.com](mailto:trudyrobertson@mvalaw.com)

[josephbelton@mvalaw.com](mailto:josephbelton@mvalaw.com)

January 21, 2014

Attorneys for Appellant  
Lifepoint Hospitals, Inc.

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

RECEIVED

JAN 21 2014

SC Court of Appeals

APPEAL FROM JASPER COUNTY  
Brooks P. Goldsmith, Circuit Court Judge

Case No. 2009-CP-27-0331

Phillip Flexon, M.D. .... Respondent,

v.

PHC-Jasper, Inc., d/b/a Coastal Carolina  
Medical Center, Coastal Carolina Medical  
Center, Inc., Lifepoint Hospitals, Inc., and  
Tenet Healthsystems, Inc., ..... Defendants,

Of Whom Lifepoint Hospitals, Inc., is ..... Appellant.

PROOF OF SERVICE

This is to certify that I have this day served counsel for the Respondent in the foregoing matter with a copy of the foregoing **INITIAL BRIEF OF APPELLANT and DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL** by depositing same in the United States Mail with adequate postage affixed thereon to ensure delivery, addressed as follows:

William B. Harvey, III, Esquire  
HARVEY & BATTEY, PA  
1001 Craven Street  
Post Office Drawer 1107  
Beaufort, SC 29901  
Telephone: (843) 524-3109  
Facsimile: (843) 524-6973  
Email: [bharvey@harveyandbattey.com](mailto:bharvey@harveyandbattey.com)

ATTORNEYS FOR RESPONDENT  
Phillip Flexon, MD

Also to:

James Myrick, Esquire  
Dana Lang, Esquire  
WOMBLE CARLYLE SANDRIDGE & RICE, LLP  
5 Exchange Street  
Charleston, SC 29401  
Telephone: (843) 720-4643  
Facsimile: (843) 720-7398  
Email: [jmyrick@wcsr.com](mailto:jmyrick@wcsr.com)  
[dlang@wcsr.com](mailto:dlang@wcsr.com)

ATTORNEYS FOR OTHER DEFENDANTS  
PHC-Jasper, Inc., d/b/a Coastal Carolina  
Medical Center, Coastal Carolina Medical  
Center, Inc., and Tenet Healthsystems, Inc.

January 21, 2014

Trudy H. Robertson  
Trudy H. Robertson (SC Bar No. 64856)  
Joseph T. Belton (SC Bar No. 71993)  
MOORE & VAN ALLEN, PLLC  
78 Wentworth Street  
Post Office Box 22828  
Charleston, SC 29413-2828  
Telephone: (843) 579-7000  
Facsimile: (843) 579-8799  
Email: [trudyrobertson@mvalaw.com](mailto:trudyrobertson@mvalaw.com)  
[josephbelton@mvalaw.com](mailto:josephbelton@mvalaw.com)

ATTORNEYS FOR APPELLANT  
Lifepoint Hospitals, Inc.

**Moore&VanAllen**

January 21, 2014

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
1015 Sumter Street  
Columbia, SC 29201

**Trudy Hartzog Robertson**  
Attorney at Law

T 843 579 7061  
F 843 579 8722  
trudyrobertson@mvalaw.com

Moore & Van Allen PLLC

Suite 300  
40 Calhoun Street  
Post Office Box 22828  
Charleston, SC 29413-2828

**Re: Phillip Flexon v. PHC-Jasper, Inc.  
Appellate Case No. 2013-002498**

Dear Ms. Kitchings:

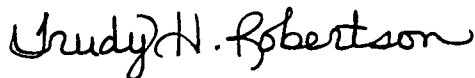
Enclosed for filing, please find an original and one (1) copy of each of the following:

- (1) Initial Brief of Appellants;
- (2) Appellant's Designation of Matter to be Included in the Record on Appeal; and
- (3) Proof of Service.

Please file the originals and return a date-stamped copy of each to the bearer of this letter for return to me.

Sincerely,

Moore & Van Allen, PLLC



Trudy H. Robertson

THR/hm  
Enclosures

cc: William B. Harvey, III, Esquire  
James Myrick, Esquire  
Dana Lang, Esquire

**RECEIVED**  
JAN 21 2014  
**SC Court of Appeals**