

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

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APPEAL FROM THE ADMINISTRATIVE LAW COURT **SC Court of Appeals**
Ralph King Anderson III, Administrative Law Judge

Case No. 2012-ALJ-07-0090-CC

Grand Strand Regional Medical Center, LLCRespondent,

v.

South Carolina Department of Health and
Environmental Control..... Respondent below.

Case No. 2012-ALJ-07-0091-CC

Grand Strand Regional Medical Center, LLCRespondent,

v.

South Carolina Department of Health and
Environmental Control and Carolina Regional Cancer Center..... Respondents below,

Of whom Carolina Regional Cancer Center is the.....Appellant.

BOND

WHEREAS, the Appellant Carolina Regional Cancer Center (CRCC) has filed a Notice of Appeal, effectively appealing the (1) Amended Final Order and Decision and (2) Reconsideration Order of the Honorable Ralph King Anderson, III, both of which are

dated April 4, 2014. A copy of the Notice of Appeal (without Orders) is attached hereto as **Exhibit A**; and

WHEREAS, the subject appeal seeks the reversal of the Administrative Law Court's decision to approve the Certificate of Need Application submitted by Grand Strand Regional Medical Center, LLC ("Grand Strand") to establish a radiation therapy center at its hospital location in Myrtle Beach, South Carolina; and

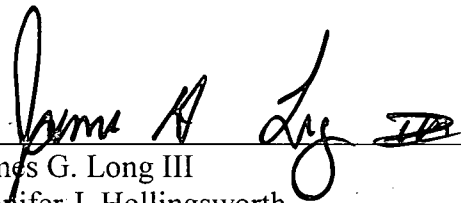
WHEREAS, the undersigned have paid unto the office of the Clerk of the South Carolina Court of Appeals the sum of Four Hundred and Eighty-Nine Thousand Four Hundred Thirty-One and 25/100 (\$489,431.25) Dollars, pursuant to *S. C. Code Ann.* § 44-7-220(B) in cash said amount being five percent of the total cost of the Project, or \$9,788,625, as set forth by the Respondent Grand Strand Regional Medical Center, LLC; and

WHEREAS, the undersigned has provided this cash bond as security for any damages that may be incurred as a result of the stay imposed on the issuance of the subject Certificate of Need pursuant to the provisions of *S. C. Code Ann.* § 44-7-220(B).

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that the undersigned Carolina Regional Cancer Center, LLC is bound unto the Respondent Grand Strand Regional Medical Center, LLC in the principal of sum of Four Hundred and Eighty-Nine Thousand Four Hundred Thirty-One and 25/100 (\$489,431.25) Dollars, to the extent that this sum or any portion thereof may be determined to be due to the Respondent Grand Strand upon a final adjudication of CRCC's appeal. This Cash Bond is given pursuant to *S. C. Code Ann.* § 44-7-220(B) and shall be awarded or released only upon appropriate Order of the Court of Appeals. Nothing contained in this Bond shall be deemed an admission of any liability on the part of the CRCC.

Should the Court of Appeals reverse, in whole or in part, the Order of the Administrative Law Court, then this cash bond shall be void and the cash returned to Carolina Regional Cancer Center, LLC, otherwise it shall be in full force and effect.

Respectfully submitted,



James G. Long III
Jennifer J. Hollingsworth
Tanya A. Gee
NEXSEN PRUET, LLC
1230 Main Street, Suite 700 (29201)
Post Office Drawer 2426
Columbia, SC 29202
803.771.8900

E. Wade Mullins III
BRUNER POWELL
1735 St. Julian Place, Suite 200
P.O. Box 61110 (29260-1110)
Columbia, SC 29204

Attorneys for Respondent
Carolina Regional Cancer Center

May 6, 2014
Columbia, South Carolina



EXHIBIT A

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Case No. 2012-ALJ-07-0091-CC

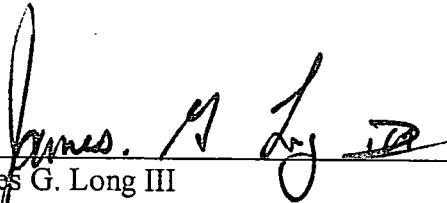
Grand Strand Regional Medical Center, LLCRespondent,
v.

South Carolina Department of Health and
Environmental Control and Carolina Regional Cancer Center..... Respondents below,
Of whom Carolina Regional Cancer Center is the.....Appellant.

NOTICE OF APPEAL

Carolina Regional Cancer Center appeals the (1) Amended Final Order and Decision and (2) Reconsideration Order of the Honorable Ralph King Anderson, III, both of which are dated April 4, 2014. Appellant received a copy of each order on April 4, 2014. The Orders are attached to the Notice.

Respectfully submitted,



James G. Long III
Jennifer J. Hollingsworth
Tanya A. Gee
NEXSEN PRUET, LLC
1230 Main Street, Suite 700 (29201)
Post Office Drawer 2426
Columbia, SC 29202
803.771.8900

E. Wade Mullins III
BRUNER POWELL
1735 St. Julian Place, Suite 200
P.O. Box 61110 (29260-1110)
Columbia, SC 29204

Attorneys for Appellant
Carolina Regional Cancer Center

May 2, 2014
Columbia, South Carolina

Other Counsel of Record:

William R. Thomas, Esquire
Walter H. Cartin, Esquire
PARKER POE ADAMS & BERNSTEIN, LLP
1201 Main Street, Suite 1450
Columbia, SC 29201
(803) 255-8000

Attorneys for Grand Strand Medical Center, LLC

Ashley C. Biggers, Esquire
Vito M. Wicevic, Esquire
SCDHEC
2600 Bull Street
Columbia, SC 29201
(800) 898-3350

Attorneys for SC DHEC

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT
Ralph King Anderson III, Administrative Law Judge

72112

Case No. 2012-ALJ-07-0090-CC

Grand Strand Regional Medical Center, LLCRespondent,
v.

South Carolina Department of Health and
Environmental Control..... Respondent below.

Case No. 2012-ALJ-07-0091-CC

Grand Strand Regional Medical Center, LLCRespondent,
v.

South Carolina Department of Health and
Environmental Control and Carolina Regional Cancer Center..... Respondents below,

Of whom Carolina Regional Cancer Center is the.....Appellant.

PROOF OF SERVICE

The undersigned hereby certifies that on May 6, 2014, he caused a copy of the Cash Bond to be served to the following addressees via hand-delivery:

RECEIVED

MAY 06 2014

SC Court of Appeals

The Honorable Ralph K. Anderson III
S.C. Administrative Law Court
1205 Pendleton Street
Columbia, SC 292901

William R. Thomas, Esquire
Walter H. Cartin, Esquire
Parker Poe Adams & Bernstein, LLP
1201 Main Street, Suite 1450
Columbia, SC 29201

Ashley C. Biggers, Esquire
Vito M. Wicevic, Esquire
South Carolina Department of Health
and Environmental Control
2600 Bull Street
Columbia, SC 29201


James G. Long, III

James G. Long III
Member
Admitted in SC

May 6, 2014

VIA HAND DELIVERY

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

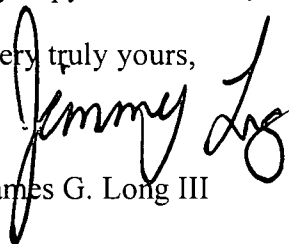
**Re: Grand Strand v. SCDHEC (Carolina Regional Cancer Center)
Lower Ct. Case Nos. 2012-ALJ-07-0090-CC and 2012-ALJ-07-0091**

Dear Ms. Kitchings:

Enclosed for filing please find an original and one copy of a Bond from Carolina Regional Cancer Center along with a Proof of Service in the above-referenced cases. Please file the originals and return the copies to our courier.

By copy of this letter, I am serving counsel of record with the same.

Very truly yours,



James G. Long III

cc: William R. Thomas, Esquire
Walter H. Cartin, Esquire
Ashley C. Biggers, Esquire
Vito M. Wicevic, Esquire

- Charleston
- Charlotte
- Columbia**
- Greensboro
- Greenville
- Hilton Head
- Myrtle Beach
- Raleigh

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