

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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DEC 29 2014
SC Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Shirley C. Robinson, Administrative Law Judge

Case No. 12-ALJ-17-0405-AP

Appellate Case No. 2014-001457

CareAlliance Health Services d/b/a Roper St. Francis Healthcare, Respondent,
v.
South Carolina Department of Revenue, Appellant.

RESPONDENT'S DESIGNATION OF MATTER TO BE INCLUDED
IN THE RECORD ON APPEAL

Pursuant to Rule 209 of the South Carolina Appellate Court Rules, Respondent CareAlliance Health Services d/b/a Roper St. Francis Healthcare ("Roper") respectfully requests that the following items be included in the record on appeal:

ORDERS

1. Final Order dated May 20, 2014
2. Order Granting in Part and Denying in Part Motions for Reconsideration dated June 27, 2014
3. Administrative Law Court's Order Denying Motion to Proceed dated July 29, 2014

DETERMINATIONS

4. Department Determination dated August 6, 2012

MOTIONS

5. Roper's Motion for Summary Judgment and Memorandum in Support of Same dated August 26, 2013
6. South Carolina Department of Revenue's ("SCDOR") Motion for Summary Judgment and Memorandum in Support of Same dated August 26, 2013
7. Roper's Amended Motion for Summary Judgment and Memorandum in Support dated August 29, 2013
8. Roper's Memorandum in Opposition to Respondent's Motion for Summary Judgment dated September 6, 2013
9. SCDOR's Reply to Roper's Motion for Summary Judgment dated September 6, 2013
10. Roper's Reply to SCDOR's Response to Roper's Amended Motion for Summary Judgment filed September 20, 2013
11. Roper's Motion to Exclude Affidavit of Steven Silverman and Memorandum in Support dated September 27, 2013
12. Roper's Motion for Reconsideration Under ALC Rule 29(D) and/or to alter or Amend Under SCRCF Rule 59(E) filed May 30, 2014
13. SCDOR's Notice of Motion and Motion for Reconsideration Pursuant to ALC Rule 29(D), ALC Rule 68, and to Alter or amend Pursuant to Rule 59(e), SCRCF filed May 30, 2014
14. Roper's Response to SCDOR's Motion for Reconsideration and to Alter or Amend filed June 13, 2014
15. Roper's Memorandum in Support of the Administrative Law Court Proceeding with a Hearing on the Issues Not Appealed by SCDOR dated July 18, 2014

TRANSCRIPTS

16. Hearing Transcript dated October 1, 2013
17. Deposition of John McCrosson, M.D., dated June 13, 2013, pages 7-8, 12, 13, 25, 40-45 and 80-83

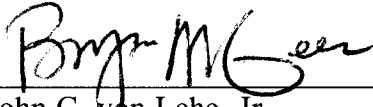
18. Deposition of John McCrosson, M.D., dated April 25, 2013, pages 51-52 and 62
19. Deposition of Brett M. Baker, M.D., dated July 2, 2013, pages 15-17
20. Deposition of Charles Trescott Ferguson, dated March 29, 2013, pages 11-12
21. Deposition of Mary Katherine Pendergast, dated May 1, 2013, pages 31, 49 and 55-56
22. Deposition of John McCormack, dated May 8, 2013, pages 90-94

EXHIBITS AND OTHER MATERIALS OR DOCUMENTS

23. Roper's Proposed Order
24. Boykin v. S.C. Tax Comm'n, Civil Action No. 89-CP-02-590, Court of Common Pleas, Aiken Co. (1989)
25. Letter from H. Wayne Unger of the S.C. Tax Commission to Senator Rembert C. Dennis, dated June 19, 1974
26. Affidavit of Charles Trescott Ferguson dated August 26, 2013
27. Affidavit of John McCrosson, M.D. dated August 28, 2013
28. Affidavit of Brett M. Baker, M.D. dated August 29, 2013
29. Affidavit of Mary K. Pendergast dated August 23, 2013
30. Supplemental Affidavit of Mary K. Pendergast dated 9/30/14
31. Affidavit of Steven D. Silverman, J.D. filed September 24, 2013
32. Joint Stipulations of Fact filed September 27, 2013

The Undersigned counsel hereby certifies, pursuant to Rule 209(c) of the South Carolina Appellate Court Rules that this Designation contains no matter that is irrelevant to the appeal.

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Attorneys for Respondent

Charleston, South Carolina
December 23, 2014

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Shirley C. Robinson, Administrative Law Judge

Case No. 12-ALJ-17-0405-AP

Appellate Case No. 2014-001457

CareAlliance Health Services d/b/a Roper St. Francis Healthcare Respondent,

v.

South Carolina Department of Revenue, Appellant.

PROOF OF SERVICE

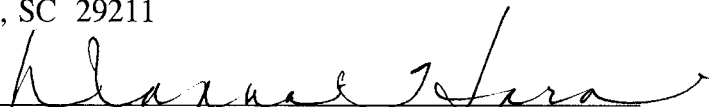
I the undersigned Administrative Assistant of the law firm of Nelson Mullins Riley & Scarborough, LLP, attorneys for CareAlliance Health Services d/b/a Roper St. Francis Healthcare, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings: Initial Brief of Respondent

Respondent's Designation of Matter to be Included in the Record on Appeal

Counsel Served:

Lauren Acquaviva
Milton G. Kimpson
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Office of General Counsel for Litigation
South Carolina Department of Revenue
PO Box 12265
Columbia, SC 29211


Donna Horn
Administrative Assistant

December 23, 2014

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December 23, 2014

The Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
PO Box 11629
Columbia, SC 29211

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RE: CareAlliance Health Services d/b/a Roper St. Francis Healthcare v. South
Carolina Department of Revenue
Docket No.: 12-ALJ-17-0405-CC
Appellate Case No. 2014-001457
Our file No.: 38103/09000

Dear Ms. Kitchings:

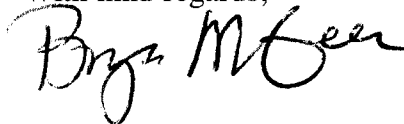
Enclosed are the originals and one copy of the following documents in the above matter:

1. Initial Brief of Respondent;
2. Respondent's Designation of Matter to be Included in the Record on Appeal;
and
3. Proof of Service.

Please file the original pleadings and return the clocked-in copies to us via our courier. By copy of this letter, we are serving these pleadings on counsel for the Respondent.

Thank you for your assistance with this matter.

With kind regards,



Bryson M. Geer

BMG:dh

Enclosure

cc: (w/enclosures)
Lauren Acquaviva, Esq.
Milton G. Kimpson, Esq.