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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE ADMINISTRATIVE LAW COURT
The Honorable S. Phillip Lenski, Administrative Law Judge

Appellate Case No. 2015-000056
Lower Court Docket No. 11-ALJ-07-0575-CC

Amisub of South Carolina, Inc. d/b/a Piedmont Medical
Center d/b/a Fort Mill Medical Center, Respondent,

v.

South Carolina Department of Health and Environmental
Control and The Charlotte-Mecklenburg Hospital Authority,
d/b/a Carolinas Medical Center-Fort Mill, Respondents,

Of whom The Charlotte-Mecklenburg Hospital Authority,
d/b/a Carolinas Medical Center-Fort Mill, is Appellant.

**RESPONDENT AMISUB OF SOUTH CAROLINA, INC. d/b/a PIEDMONT
MEDICAL CENTER'S MEMORANDUM IN OPPOSITION TO APPELLANT'S
MOTION FOR SECOND EXTENSION OF TIME**

Respondent Amisub of South Carolina, Inc. d/b/a Piedmont Medical Center ("Piedmont") submits this memorandum in opposition to the March 3, 2015 motion by Appellant The Charlotte-Mecklenburg Hospital Authority ("CHS") for an extension of time to file its Initial Brief.

This is an appeal of a contested case action brought pursuant to S.C. Code Ann. § 44-1-60(F) (Supp. 2006) and § 1-23-600(A) (2005). In 2005, Piedmont and CHS submitted competing applications to the South Carolina Department of Health and

Environmental Control (“DHEC”) for a Certificate of Need (“CON”) to build an acute care hospital in York County, South Carolina. A final hearing before the South Carolina Administrative Law Court (“ALC”) was held in September 2009, after which the ALC remanded the case to DHEC for a second agency review. Another final hearing was held before the ALC during 15 days in April-May 2013. The ALC issued its Amended Final Order on December 15, 2014. This appeal followed.

Piedmont opposes the pending motion for an extension on grounds that further delay in this matter is unwarranted. Ten years have passed since the parties submitted their CON applications to DHEC. Nearly six years have passed since the first ALC hearing. Two years have passed since the second ALC hearing concluded. Twenty-one months have passed since the parties received transcripts of the final hearing.

Appellant has already been granted one extension of time, by Order dated February 6, 2015. While Piedmont consented to that motion as a courtesy, it cannot consent to further extensions. The citizens of York County have waited long enough for a new hospital. Appellant has had sufficient time to prepare an Initial Brief.

NELSON MULLINS RILEY & SCARBOROUGH LLP

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Attorneys for Amisub of South Carolina, Inc. d/b/a
Piedmont Medical Center d/b/a Fort Mill Medical
Center

Columbia, South Carolina

3/5, 2015

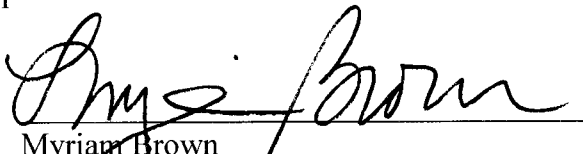
CERTIFICATE OF SERVICE

I, the undersigned administrative assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Amisub of South Carolina, Inc., d/b/a Piedmont Medical Center, d/b/a Fort Mill Medical Center do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by delivering to the following address(es):

Pleadings: **Respondent Amisub of South Carolina, Inc. d/b/a/ Piedmont Medical Center's Memorandum in Opposition to Appellant's Motion for second Extension of Time**

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Hand Delivered

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

RE: Amisub of South Carolina, Inc. d/b/a Piedmont Medical Center d/b/a Fort Mill
Medical Center vs. South Carolina Department of Health and Env. Control, et al
Appellate Case No. 2015-000056
Our File No. 05946/01509

Dear Ms. Kitchings:

I am enclosing and original and seven copies of **Respondent Amisub of South Carolina, Inc. d/b/a Piedmont Medical Center's Memorandum in Opposition to Appellant's Motion for Second Extension of Time** for filing. Please return a stamped copy to our office via our courier.

By copy of this letter, I am serving opposing counsel with these pleadings.

Very truly yours,



Daniel J. Westbrook

DJW:myb
Enclosures

cc: Ashley C. Biggers, Esq. (via electronic mail)
Vito M. Wicevic, Esq. (via electronic mail)
Douglas M. Muller, Esq. (via electronic mail)
Trudy H. Robertson, Esq. (via electronic mail)
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