

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

RECEIVED

JUN 15 2015

SC Court of Appeals

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.

**DESIGNATION OF MATTER TO BE INCLUDED
IN THE RECORD ON APPEAL**

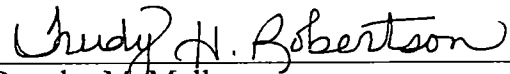
Appellant The Charlotte-Mecklenburg Hospital Authority d/b/a Carolinas
Medical Center-Fort Mill (“Carolinas”) proposed the following to be included in the
Record on Appeal:

1. 2004-2005 State Health Plan;
2. The Honorable Carolyn C. Matthew’s Order dated December 9, 2009;
3. Supreme Court Order dated April 8, 2010;
4. Carolinas Motion in Limine date April 2, 2013;
5. Carolina’s Motion for Reconsideration dated April 9, 2014;
6. Final Order of the Honorable S. Phillip Lenski dated March 31, 2014;
7. The Honorable S. Phillip Lenski’s Order vacating the Final Order dated May 2, 2014;

8. Amended Final Order of the Honorable S. Phillip Lenski dated December 15, 2014;
9. Exhibit Joint-A-CHS-001.0009-10, Figures 3-4 (Carolinas Additional Information Submittal, Market Share Comparison Charts);
10. Exhibit Joint-A-CHS-001.0015-17, 47-52, 56-57, 59-61, 64, 67, 79-80, 1164-1167, 1174-1182, 1184, 1187-1188, 1191, 1198, 1210-1211, 1215 (Carolinas Updated Information pursuant to Judge Matthews December 9, 2009 Order);
11. Exhibit Joint-A-CHS-001.1303-1315 (Project Review Criteria Analysis dated September 9, 2011);
12. Joint-B-PMC-001.0032 (Project Review Criteria Analysis dated September 9, 2011);
13. Exhibit Joint-B-PMC-001.0232-0241 (Project Review Criteria Analysis dated September 9, 2011);
14. Ex. Joint-B-PMC-001.0244 (Project Review Criteria Analysis dated September 9, 2011);
15. Exhibit Joint-B-PMC-001.0515 (Project Review Criteria Analysis dated September 9, 2011);
16. Exhibit Joint-B-PMC-001.0654 (Project Review Criteria Analysis dated September 9, 2011);
17. Exhibit Joint-B-PMC-001.0993-0994 (Project Review Criteria Analysis dated September 9, 2011);
18. Exhibit Joint-B-PMC-001.1017-1031 (Project Review Criteria Analysis dated September 9, 2011);
19. DHEC Record 000057, 000211 – 000213 (Carolinas Certificate of Need Application);
20. Carolinas Exhibit 32;
21. Petitioner's Exhibit. 2, 0032;
22. Petitioner's Exhibit 3, 0029; and
23. Transcript of Hearing held April 8, 2013 – May 7, 2013, pp. 67:10-70:8, 88:6-20, 95:1-11, 154:2-156:6, 177:18-23, 193:5-16, 257:2-16; 292:12-23, 302:1-24, 488:18-489:14, 579:12-602:20, 582:15-599:12, 782:1-14, 808:19-810:18, 829:20-831:22, 849:1-851:9, 898:7-899:1, 927:5-928-9, 942:21-943:17, 965:24-967:10, 1039:24-1040:25, 1044:2-1046:3, 1086:15-1087:12, 1122:9-1123:23, 1128:3-16; 1251:23-1252:7, 1288:5-19, 1341:6-1346:12, 1375:4-1376-24, 1381:5-7, 1381:21-1382:7, 1403:5-1404:15, 1406:13-1407:23, 1538:25-1539:13, 1609:9-12, 1613:3-17, 1644:1-4, 1936:10-18, 1947:14-1948:7, 1978:24-1979:11, 598:19-599:2, 2020:10-2048:19, 2348:3-2355:24, 2370:3-2398:18, 2437:16-2441:11, 2830:25-2831:4, 2883:20-2884:5.

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

Respectfully submitted,



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Attorneys for Appellant The Charlotte-
Mecklenburg Hospital Authority d/b/a
Carolinas Healthcare System

June 12, 2015
Charleston, South Carolina

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IN THE COURT OF APPEALS

APPEAL FROM THE ADMINISTRATIVE LAW COURT
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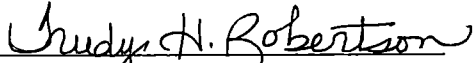
Of whom The Charlotte-Mecklenburg Hospital Authority, d/b/a Carolinas
Medical Center-Fort Mill, is..... Appellant.

PROOF OF SERVICE

This is to certify that I have this day served counsel of record in the foregoing matter with a copy of the foregoing *Reply Brief of Appellant* and *Designation of Matter to be Included in the Record on Appeal* by depositing same in the United States Mail with proper postage affixed, addressed as follows:

Daniel J. Westbrook, Esquire
Stuart M. Andrews, Jr., Esquire
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Carolinas Medical Center – Fort Mill

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SC Court of Appeals

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**Re: Amisub of South Carolina, Inc., d/b/a Piedmont Medical Center d/b/a Fort Mill
Medical Center v. South Carolina Department of Health and Environmental
Control and The Charlotte-Mecklenburg Hospital Authority d/b/a Carolinas
Medical Center-Fort Mill
Appellate Case No. 2015-000056**

Dear Ms. Kitchings:

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

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

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

Thank you for your assistance in this matter.

Sincerely,

Moore & Van Allen PLLC


Trudy Hartzog Robertson

THR/ws

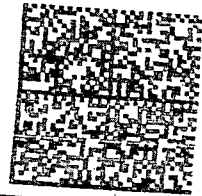
Enclosures: as stated

cc: Stuart M. Andrews, Esq.
Daniel J. Westbrook, Esq.
Ashley C. Biggers, Esq.
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