

79221

RECEIVED

APR 11 2016

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas  
Casey L. Manning, Circuit Court Judge

C.A. No.: 2016-CP-40-00818  
Court of Appeals Docket No. 2016-000631

Amedisys SC, L.L.C and South Carolina Home Care & Hospice Association.....Plaintiffs,  
Of whom Amedisys SC, L.L.C. is the .....Appellant,  
.....v.

South Carolina Department of Health and Environmental Control and South Carolina  
Home Care & Hospice Association ..... Defendants,

and

National Healthcare Corporation, Pruitthealth Corporation, In-Care Home Health, Inc.,  
Tri-County Home Health Care & Services, Inc., M&C Group, LLC d/b/a/ Home Helpers  
of Bluffton, Tidewater Home Health, PA, and Hedgemark Brentwood Medical Services  
Inc. d/b/a PHC Home Health, ..... Intervenor-Defendants;

Of whom, South Carolina Department of Health and Environmental Control, National  
Healthcare Corporation, Pruitthealth Corporation, In-Care Home Health, Inc., Tri-County  
Home Health Care & Services, Inc., M&C Group, LLC d/b/a/ Home Helpers of Bluffton,  
Tidewater Home Health, PA, Hedgemark Brentwood Medical Services Inc. d/b/a PHC  
Home Health are the ..... Respondents.

CONSENT MOTION TO REVISE CASE CAPTION  
WITH STATEMENT OF SUPPORTING GROUNDS

Amedisys SC, L.L.C. (“Amedisys”) respectfully moves to revise the case caption  
in this appeal, as it appears above, to the form set out below. The revision would remove

both references to South Carolina Home Care & Hospice Association (the “**Association**”) as both a plaintiff and as a defendant.

The Association was initially a co-plaintiff with Amedisys in this matter. On February 16, 2016, however, the Association, pursuant to Rule 41(a)(1), SCRCPC, dismissed the action as to itself only, thus removing it as a party. Through an oversight, the order of the Circuit Court dated February 23, 2016, which is here on appeal, continued to list the Association as a plaintiff. The Association has never been in the posture of a defendant in this case.

The undersigned counsel for Amedisys has consulted with counsel for all parties to this appeal. Each party consents to this motion.

The caption as revised would be:

Amedisys SC, L.L.C. ....Plaintiff/Appellant,

.....V.

South Carolina Department of Health and Environmental Control, .....Defendant,

and

National Healthcare Corporation, Pruitthealth Corporation, In-Care Home Health, Inc., Tri-County Home Health Care & Services, Inc., M&C Group, LLC d/b/a/ Home Helpers of Bluffton, Tidewater Home Health, PA, and Hedgemark Brentwood Medical Services Inc. d/b/a PHC Home Health, ..... Intervenor-Defendants;

Of whom, South Carolina Department of Health and Environmental Control, National Healthcare Corporation, Pruitthealth Corporation, In-Care Home Health, Inc., Tri-County Home Health Care & Services, Inc., M&C Group, LLC d/b/a/ Home Helpers of Bluffton, Tidewater Home Health, PA, and Hedgemark Brentwood Medical Services Inc. d/b/a PHC Home Health are the..... Respondents.

April 11, 2016

Respectfully submitted,

**HAYNSWORTH SINKLER BOYD, P.A.**

By: 

Steve A. Matthews

SC Bar 3689

1201 Main Street (29201-3226)

P.O. Box 11889 (29211-1889)

Columbia, South Carolina

803.540.7827

[smatthews@hsblawfirm.com](mailto:smatthews@hsblawfirm.com)

Andrea H. Brisbin

SC Bar 68189

134 Meeting Street (29401-2240)

P.O. Box 340 (29402-0340)

Charleston, South Carolina

843.720.4440

[abrisbin@hsblawfirm.com](mailto:abrisbin@hsblawfirm.com)

Sarah P. Spruill

SC Bar 68337

ONE North Main, 2nd Floor (29601-2772)

P.O. Box 2048 (29602-2048)

Greenville, South Carolina

864.240.3200

[sspruill@hsblawfirm.com](mailto:sspruill@hsblawfirm.com)

*Counsel for Appellant Amedisys SC, LLC*

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

---

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas  
Casey L. Manning, Circuit Court Judge

---

C.A. No.: 2016-CP-40-00818  
Court of Appeals Docket No. 2016-000631

---

Amedisys SC, L.L.C. ....Plaintiff/Appellant,

.....V.

South Carolina Department of Health and Environmental Control, .....Defendant,

and

National Healthcare Corporation, Pruitthealth Corporation, In-Care Home Health, Inc.,  
Tri-County Home Health Care & Services, Inc., M&C Group, LLC d/b/a/ Home Helpers  
of Bluffton, Tidewater Home Health, PA, and Hedgemark Brentwood Medical Services  
Inc. d/b/a PHC Home Health, ..... Intervenor-Defendants;

Of whom, South Carolina Department of Health and Environmental Control, National  
Healthcare Corporation, Pruitthealth Corporation, In-Care Home Health, Inc., Tri-County  
Home Health Care & Services, Inc., M&C Group, LLC d/b/a/ Home Helpers of Bluffton,  
Tidewater Home Health, PA, and Hedgemark Brentwood Medical Services Inc. d/b/a  
PHC Home Health are the..... Respondents.

---

**CERTIFICATE OF SERVICE**

---

I, the undersigned employee of Haynsworth Sinkler Boyd, P.A., do hereby certify  
that I have this 11th day of April, 2016, caused the “Consent Motion To Revise Case  
Caption with Statement of Supporting Grounds,” to be served via USPS First Class Mail,  
postage prepaid on the following counsel at the addresses shown below:

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

*Counsel for Respondent South  
Carolina Department of Health and  
Environmental Control*

E. Wade Mullins, III, Esq.  
Robert C. Osborne, Esq.  
Bruner, Powell, Wall & Mullins, LLC  
P.O. Box 6110  
Columbia, South Carolina 29260

*Counsel for Respondents In-Care  
Home Health, Inc., Tri-County Home  
Health Care & Services, Inc., M&C  
Group, LLC d/b/a/ Home Helpers of  
Bluffton, Tidewater Home Health,  
PA, and Hedgemark Brentwood  
Medical Services Inc. d/b/a PHC  
Home Health*

Daniel J. Westbrook, Esq.  
Stuart M. Andrews, Jr., Esq.  
Meredith A. Weinberg, Esq.  
Nelson Mullins Riley & Scarborough, LLP  
P.O. Box 11070  
Columbia, South Carolina 29211

*Counsel for Respondents National  
Healthcare Corporation and  
Pruitthealth Corporation*

**HAYNSWORTH SINKLER BOYD, P.A.**

By: 

Steve A. Matthews

[smatthews@hsblawfirm.com](mailto:smatthews@hsblawfirm.com)

1201 Main Street (29201-3226)

P.O. Box 11889 (29211-1889)

Columbia, South Carolina

803.779.3080

*Counsel for Appellant Amedisys SC, LLC*

Haynsworth  
Sinkler Boyd, P.A.

ATTORNEYS AND COUNSELORS AT LAW

1201 MAIN STREET, 22ND FLOOR (29201-3226)  
POST OFFICE BOX 11889 (29211-1889)  
COLUMBIA, SOUTH CAROLINA  
TELEPHONE 803.779.3080  
FACSIMILE 803.765.1243  
www.hsblawfirm.com

STEVE A. MATTHEWS  
DIRECT DIAL NUMBER 803.540.7827  
smatthews@hsblawfirm.com

April 11, 2016

**VIA HAND DELIVERY**

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

Re: *Amedisys SC, LLC v. SCDHEC*  
Appellate Case No. 2016-000631  
HSB File No.: 35549.0004

Dear Ms. Kitchings:

I have enclosed the following documents:

- (1) The Consent Motion to Revise Case Caption with Statement of Supporting Grounds in the above-captioned case, including proof of service on the Respondents (original and six copies); and
- (2) My firm's check in the amount of \$25 in payment of the filing fee.

Please return a clocked copy to the messenger delivering this package.

RECEIVED

APR 11 2016

SC Court of Appeals

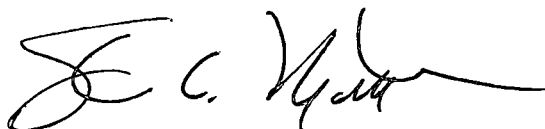
Hon. Jenny Abbott Kitchings

April 11, 2016

Page 2

Thank you for your attention to this matter. With best regards, I remain

yours truly,

A handwritten signature in black ink, appearing to read "S. A. Matthews". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Steve A. Matthews

Copy to: Ashley C. Biggers, Esq.  
Vito M. Wicevic, Esq.  
Daniel J. Westbrook, Esq.  
Meredith A. Weinberg, Esq.  
Stuart M. Andrews, Jr., Esq.  
E. Wade Mullins, III, Esq.  
Robert C. Osborne, Esq.  
Andrea H. Brisbin, Esq.  
Sarah P. Spruill, Esq.