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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**

Appellate Case No. 2015-000056

JAN 30 2017  
SC Court of Appeals

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.'S MOTION TO ENLARGE  
THE TIME FOR FILING A RETURN TO APPELLANT'S PETITION FOR  
REHEARING AND MOTION TO SUPPLEMENT THE RECORD ON APPEAL**

Pursuant to Rule 240(e) of the South Carolina Appellate Court Rules, Respondent Amisub of South Carolina, Inc. ("Amisub") hereby moves for an enlargement of time until February 13, 2017, to file a return to Appellant's Petition for Rehearing and Motion to Supplement the Record on Appeal. Grounds for this motion are that the undersigned counsel has three depositions and another Court of Appeals argument scheduled over the next eight days.

This is an appeal of a decision by the South Carolina Administrative Law Court ("ALC") to approve a decision by the South Carolina Department of Health and

Environmental Control to issue a Certificate of Need (CON) to Amisub and deny a competing CON application submitted by Appellant.<sup>1</sup>

On January 11, 2017 the Court of Appeals filed an order affirming the ALC decision. On January 26, Appellant filed its Petition for Rehearing and Motion to Supplement the Record on Appeal, serving Amisub that same day. Pursuant to South Carolina Appellate Court Rule 240(e), Amisub's deadline for filing a return is February 6 (ten days from the date of service). Although a return is not mandatory under Rule 240(e), given the importance of this case Amisub desires to file a return, but respectfully requests a seven-day enlargement of time, until February 13, 2017, to accommodate the schedule of the undersigned attorney.

NELSON MULLINS RILEY & SCARBOROUGH LLP

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

Columbia, South Carolina

January 30, 2017

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<sup>1</sup> Amisub and Appellant submitted competing applications to build a hospital in Fort Mill. Amisub filed its first CON application for the project in 2004.

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.'s Motion to Enlarge the Time for Filing a Return to Appellant's Petition for Rehearing and Motion to Supplement the Record on Appeal***

Counsel Served: **Email & U.S. Mail**  
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Trudy H. Robertson, Esq.  
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Ashley C. Biggers, Esq.  
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Bureau of Health Facilities & Services  
Development  
South Carolina Department of Health  
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2600 Bull Street  
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JAN 30 2017

**SC Court of Appeals**



Myriam Brown  
Administrative Assistant

January 30, 2017

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January 30, 2017

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

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JAN 30 2017

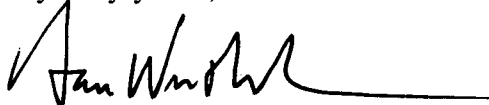
**SC Court of Appeals**

RE: Amisub of South Carolina, Inc. d/b/a Piedmont Medical Center d/b/a Fort Mill Medical Center, Petitioners v. South Carolina Department of Health and Environmental Control and The Charlotte-Mecklenburg Hospital Authority d/b/a Carolinas Medical Center-Fort Mill, Respondents  
Appellate Case No. 2015-000056  
Our File No. 05946/01509

Dear Ms. Kitchings:

Enclosed for filing in the above-referenced matter are the original and 6 copies of *Respondent Amisub of South Carolina, Inc.'s Motion to Enlarge the Time for Filing a Return to Appellant's Petition for Rehearing and Motion to Supplement the Record on Appeal*, Certificate of Service and the \$50.00 filing fee. Please return a clocked-in copy of same via our courier. By copy of this letter to counsel of record, we are hereby serving them with a copy of the same.

Very truly yours,



Daniel J. Westbrook

DJW/mb

Enclosures

cc: Douglas M. Muller, Esq.  
Trudy H. Robertson, Esq.  
E. Brandon Gaskins, Esq.  
Ashley C. Biggers, Esq.  
Vito M. Wicevic, Esq.  
Stuart M. Andrews, Jr., Esq.