

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SC Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

S. Jackson Kimball, Special Circuit Court Judge

Appellate Case No. 2017-002407

TODD BULLMAN, as Personal
Representative of THE ESTATE
OF CAITLIN BULLMAN,

Respondent,

v.

CHARLOTTE-MECKLENBURG AUTHORITY
d/b/a CAROLINA PHYSICIAN NETWORK,
LLC d/b/a PIEDMONT GYN OB, LLC, DR.
PRIYA B. PILLAI, MN, DR. WILLIAM S.
REVELL, CHARLOTTE-MECKLENBURG
AUTHORITY d/b/a CAROLINA MEDICAL
CENTER-PINEVILLE,

Appellants.

RETURN TO RESPONDENT'S MOTION TO DISMISS

Pursuant to Rule 240(e) of the South Carolina Appellate Court Rules, Appellants respectfully submit this Return to Respondent's Motion to Dismiss.

BACKGROUND

This medical malpractice action arises from care rendered to Respondent from November 28, 2014 to December 3, 2014 at Carolinas Medical Center-Pineville in Charlotte, North Carolina. Appellants filed Motions to Dismiss Plaintiff's Complaint based upon, *inter alia*, lack of personal jurisdiction and improper venue. The trial court denied Appellants' various motions.

ARGUMENT**I. Constitutional Requirements of Personal Jurisdiction**

Appellants challenge the determination that the trial court had personal jurisdiction over them, and specifically that the exercise of personal jurisdiction in these particular circumstances does not comport with the constitutional requirements of due process of law. There is no question that the trial court did not have specific personal jurisdiction over Appellants, and so the question becomes whether the exercise of general personal jurisdiction comports with Constitutional requirements. Because the trial court's Order impacts Appellants' rights under the Fourteenth Amended of the United States Constitution, and, therefore, addresses substantial constitutional issues, it is immediately appealable. The power of South Carolina courts to exercise personal jurisdiction over foreign defendants arises from S.C. Code. Ann. § 36-2-803, and § 36-2-802. South Carolina's long-arm statute has been construed to extend to the outer limits of the Due Process Clause of the Fourteenth Amendment of the United States Constitution. See Meyer v. Paschal, 330 S.C. 175, 498 S.E.2d 635 (1998). In evaluating the "traditional notions of fair play and substantial justice" aspect of this State's exercise of jurisdiction, this Court has noted that "[c]ases involving medical services are quite different from those involving other commercial activity." Hume v. Durwood Med. Clinic, Inc., 282 S.C. 236, 242, 318 S.E.2d 119, 122 (1984).

It is clear that when a patient travels to receive professional services without having been solicited . . . then the client, who originally traveled to seek services apparently not available at home, ought to expect that he will have to travel again if he thereafter complains that the services sought by him in the foreign jurisdiction were there rendered improperly.

Id. at 242, 318 S.E.2d at 122–23 (quoting Gelineau v. New York Univ. Hosp., 375 F. Supp. 661 (D.N.J. 1974)).

In Hume, as in this case, the trial court denied the motion to dismiss of the defendant

North Carolina physicians, and an immediate appeal followed. See id. at 237, 318 S.E.2d at 120. The Court of Appeals accepted the appeal and reversed the trial court's order and dismissed the action based upon a constitutional analysis of the exercise of personal jurisdiction over non-resident physicians. Id. at 237, 318 S.E.2d at 120. Other examples of cases immediately appealed following a denial of a motion to dismiss for lack of personal jurisdiction based upon a due process analysis include: Aviation Assoc. and Consultants, Inc. v. Jet Time, Inc., 303 S.C. 502, 402 S.E.2d 177 (1991); S. Plastics Co. v. S. Commerce Bank, 310 S.C. 256, 423 S.E.2d 128 (1992); Clark v. Key, 304 S.C. 497, 405 S.E.2d 599 (1991); Hammond v. Butler, 300 S.C. 458, 388 S.E.2d 796 (1990); White v. Stephens, 300 S.C. 241, 387 S.E.2d 260 (1990); Cozi Investments v. Schneider, 272 S.C. 354, 252 S.E.2d 116 (1979); Parker v. Williams & Madjanik, Inc., 270 S.C. 570, 243 S.E.2d 451 (1978); Jacobs v. Assn. of Indep. Colleges and Schools, 265 S.C. 459, 219 S.E.2d 837 (1975); Fields v. INA Filtration Corp., 292 S.C. 614, 358 S.E.2d 160 (Ct. App. 1987); Lackey v. Treadwell, 282 S.C. 81, 316 S.E.2d 724 (Ct. App. 1984).

"The Fourteenth Amendment due process constraint . . . applies to all state-court assertions of general jurisdiction over nonresident defendants; the constraint does not vary with the type of claim asserted or business enterprise sued." BNSF Ry. Co. v. Tyrrell, 137 S. Ct. 1549, 1558–59 (2017). While a state court may exercise general jurisdiction over foreign corporations in the absence of specific personal jurisdiction, it may do so only when the corporation's contacts with the state "are so 'continuous and systematic' as to render them essentially **at home** in the forum State." Goodyear Dunlop Tires Op., S.A. v. Brown, 564 U.S. 915, 919, 131 S.Ct. 2846, 2851 (2011) (emphasis added). "For an individual, the paradigm forum for the exercise of general jurisdiction is the individual's domicile; for a corporation, it is an equivalent place, one in which the corporation is fairly regarded as **at home**." Id. at 924, 131 S.Ct. at 2853–54 (emphasis added). "The 'paradigm' forums in which a corporate defendant is

‘at home’ are the corporation’s place of incorporation and its principal place of business, but in an ‘exceptional case,’ a corporate defendant’s operations in another forum ‘may be so substantial and of such a nature as to render the corporation at home in that State.’” BNSF Ry. Co., 137 S.C. at 1552–53 (quoting Daimler AG v. Bauman, 571 U.S. ___, ___, 134 S. Ct. 746, 761 n.19 (2014)). In BNSF, which was decided this year, the United States Supreme Court determined that the state court could not exercise general jurisdiction over the foreign corporation, despite the fact that the foreign corporation had over 2,000 miles of railroad track and more than 2,000 employees in the forum state. Id. at 1559. “[I]n-state business . . . does not suffice to permit the assertion of general jurisdiction over claims . . . that are unrelated to any activity occurring” in the forum state.” Id.

Appellants’ rights under the Fourteenth Amendment are substantial and valuable. Appellants contend that the exercise of personal jurisdiction **in this action** violates their rights under the Fourteenth Amendment because it does not comport with the traditional notions of fair play and substantial justice. All the medical care at issue occurred in North Carolina, at a North Carolina public hospital, and is subject to the substantive law of North Carolina. The Charlotte-Mecklenburg Hospital Authority and Carolinas Medical Center-Pineville can only be said to be “**at home**” in Mecklenburg County, North Carolina. Accordingly, the appeal from the trial court’s denial of the motion to dismiss for lack of personal jurisdiction is immediately appealable pursuant to S.C. Code Ann. § 14-3-330, and it involves substantial constitutional issues.

II. Appellants are Public Officers

Appellants, as public officers, have a substantial right to have this matter tried in the county in which the events giving rise to the cause of action arose, which was Mecklenburg County, North Carolina. The “right to be tried in the county of one’s residence . . . is a ‘substantial and valuable right.’” Henley v. North Trident Regional Hospital, 275 S.C. 193, 195,

269 S.E.2d 328, 328 (1980) (quoting Landvest Assocs. v. Owens, 263 S.E.2d 646 (S.C. 1980)).

While the right to transfer venue may not be immediately appealable, the denial of Appellants' Motion to Dismiss for Improper Venue **in these circumstances** impacts a substantial right and involves a novel question of law. S.C. Code Ann. § 15-7-20(2) states:

Actions for the following causes must be tried in the county where the cause or some part thereof arose, subject to the like power of the court to change the place of trial:

(2) Against a public officer or person specially appointed to execute his duties for an act done by him in virtue of his office or against a person who by his command or in his aid shall do anything touching the duties of such officer.

Similarly, N.C. Gen. Stat. § 1-77(s) states:

Actions for the following causes must be tried in the county where the cause, or some part thereof, arose, subject to the power of the court to change the place of trial, in the cases provided by law:

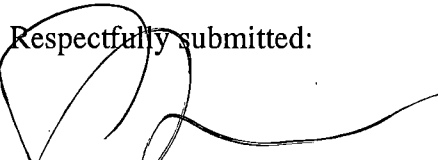
(2) Against a public officer or person especially appointed to execute his duties, for an act done by him by virtue of his office; or against a person who by his command or in his aid does anything touching the duties of such officer.

In Wells v. Cumberland County Hosp. Sys., Inc., 150 N.C. App. 584, 564 S.E.2d 74 (2002), the North Carolina Court of Appeals evaluated whether a hospital authority created under the North Carolina Municipal Hospital Act, N.C. Gen. Stat. § 131E-20, was a "public officer" for the purpose of N.C. Gen. Stat. § 1-77(2). The Court held that the defendant hospital authority had been created under the Municipal Hospital Act, was operated as a municipal hospital, and, therefore, qualified as a "public officer." Wells, 150 N.C. App. at 589, 564 S.E.2d at 77. Neither the North Carolina nor the South Carolina statute defines "public officer," and no South Carolina appellate court has defined the term. However, in Stalheim v. Doskocil, 275 S.C. 252, 269 S.E.2d 346 (1980), the South Carolina Supreme Court determined that a defendant hospital and physicians were public officers for the purpose of S.C. Code Ann. § 15-7-20(2).

Contrary to the trial court's Order in this matter, which was drafted by Respondent's counsel, S.C. Code Ann. § 15-7-20(2) does not state any relationship to the South Carolina Tort Claims Act, nor does it require a "public officer" be limited to a public officer of the State of South Carolina. Appellants were created pursuant to the North Carolina Municipal Hospital Act and are, therefore, "public officers." (see Affidavit of Brett J. Denton, attached as **Exhibit 1**). Accordingly, Appellants have a substantial right to have this matter brought in Mecklenburg County, North Carolina, where the events giving rise to the claims against them arose.

Respectfully submitted:

December 11, 2017.



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Attorneys for Appellants

EXHIBIT A

STATE OF SOUTH CAROLINA
COUNTY OF YORK

IN THE COURT OF COMMON PLEAS
SIXTEENTH JUDICIAL CIRCUIT
C.A. No. 2016-CP-46-03491

TODD BULLMAN, as Personal
Representative of THE ESTATE OF CAITLIN
BULLMAN,

Plaintiff,

v.

CHARLOTTE-MECKLENBURG
AUTHORITY d/b/a CAROLINA
PHYSICIAN NETWORK, LLC d/b/a
PIEDMONT GYN OB, LLC, DR. PRIYA B.
PILLAI, MN, DR. WILLIAM S. REVELL,
CHARLOTTE-MECKLENBURG
AUTHORITY d/b/a CAROLINA MEDICAL
CENTER-PINEVILLE,

Defendants.

AFFIDAVIT OF BRETT J. DENTON

Brett J. Denton, being duly sworn, deposes and says:

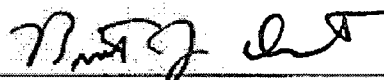
1. I am over the age of eighteen (18) years and competent and qualified to testify as to the matters stated herein.
2. I am making this Affidavit based upon my personal knowledge of the facts and events in this matter.
3. I am a citizen and resident of Mecklenburg County, North Carolina. I presently serve as Senior Vice President and Deputy General Counsel for The Charlotte-Mecklenburg Hospital Authority (hereinafter "Authority"), and as such, I am familiar with the Authority's creation and operations.
4. The Authority is a North Carolina body corporate and politic, created under the "Hospital Authorities Act" by the General Assembly of the State of North Carolina at its 1943 session under the provisions of Article 12 of Chapter 131 of the North Carolina General Statutes, as the Charlotte Memorial Hospital Authority (**Exhibit A**), and thereafter in 1961, its name was changed to The Charlotte-Mecklenburg Hospital Authority (**Exhibit B**).
5. The Authority has been give the power to construct, operate, and maintain hospitals and related healthcare facilities, and to conduct business as Carolinas HealthCare System.

6. Carolinas Medical Center-Pineville is not a separate corporate entity but rather is a hospital facility that does business under a trade name of a wholly-owned subsidiary that is an instrumentality of the Authority, Mercy Hospital, Inc. On or about January 23, 2002, Mercy Hospital, Inc., filed a Certificate of Assumed Name with the Mecklenburg County Register of Deeds, enabling Mercy Hospital, Inc., to conduct business under the name of Carolinas Medical Center-Pineville. (see Certificate of Assumed Name attached as Exhibit C). Mercy Hospital, Inc., is "an integral part and instrumentality of The Charlotte-Mecklenburg Hospital Authority." (see Restated Articles of Incorporation of Mercy Hospital, Inc. attached as Exhibit D). Therefore, the hospital facility where Plaintiff's Decedent received medical care, Carolinas Medical Center-Pineville, located at 10628 Park Road, Charlotte, North Carolina, is operated by a legal entity that is a wholly-owned subsidiary of the Authority and is an integral part of the Authority.

7. As a duly created hospital authority, the Authority is likewise a "public officer" for purposes of venue pursuant to S.C. Code Ann. § 15-7-20(2) and N.C. Gen. Stat. § 1-77(2).


8. Further the affiant sayeth not.

THIS 9th day of January, 2017.



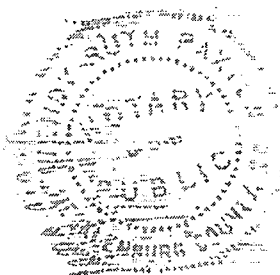
Brett J. Denton

Sworn to and subscribed before me this
The 9th day of January, 2017.



Notary Public

My Commission Expires: 1-28-2018
Mecklenburg County, North Carolina



2873



**CERTIFICATE OF INCORPORATION
OF
CHARLOTTE MEMORIAL HOSPITAL AUTHORITY OF
CHARLOTTE, NORTH CAROLINA**

WHEREAS, Miss Emma Hall, Mrs. John B. London, Mrs. Hamilton W. McKay, Mrs. George C. Snyder, Ernest R. Cannon, J. A. Jones, A. L. Boyle, William H. Barnhardt, J. Herbert Bridges, M. E. Pierson, John C. Shepherd, John L. Wilkinson, F. J. Blythe, R. S. Dickson, E. C. Griffith, Mrs. E. C. Marshall, Harry L. Dalton and H. C. Jones, Commissioners, having been appointed as such by E. McA. Currie, Mayor of the City of Charlotte, North Carolina, to act as an Authority under the Hospital Authorities Law, being Chapter 780, 1943 Session Laws of North Carolina, and desiring to become a public body and a body corporate and politic under said law, and

WHEREAS, the said Commissioners having filed with the Secretary of State of the State of North Carolina an application for a certificate of incorporation, in accordance with the aforesaid act, under the name of Charlotte Memorial Hospital Authority of Charlotte, North Carolina, which application was accompanied by exhibits showing full compliance with said law and has been filed and recorded as of this day.

NOW, THEREFORE, I, THAD BURE, Secretary of State of the State of North Carolina, do hereby certify that the above Commissioners and their successors in office, are duly incorporated as a public body and a body corporate and politic in accordance with the provisions of said law under the name of Charlotte Memorial Hospital Authority of Charlotte, North Carolina, with perpetual succession, for the purposes set forth in the said Hospital Authorities Law with all of the powers and privileges conferred by said law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal.

Done in office at Raleigh, this the 25th day of June, 1943.



Secretary of State.

CITY OF CHARLOTTE
NORTH CAROLINA

**CERTIFICATE OF APPOINTMENT OF COMMISSIONERS OF
THE HOSPITAL AUTHORITY OF THE CITY OF CHARLOTTE,
NORTH CAROLINA, AND DESIGNATION OF THE FIRST
CHAIRMAN.**

WHEREAS, the City Council of the City of Charlotte, North Carolina, held a duly authorized regular meeting on Wednesday, March 17, 1943; and

WHEREAS, at said meeting the following resolution was unanimously passed and adopted, as will appear in Minute Book 10, at pages 233 and 234, in the Office of the City Clerk of the City of Charlotte:

**"RESOLUTION REGARDING THE CREATION OF A HOSPITAL
AUTHORITY**

WHEREAS, the General Assembly of the State of North Carolina duly enacted Senate Bill No. 254 at its 1943 Session, which Bill is known as the Hospital Authorities Law; and

WHEREAS, the City of Charlotte has a population of more than seventy-five thousand according to the last Federal census; and

WHEREAS, the City Council of the City of Charlotte has duly made an investigation which it deemed necessary and sufficient to ascertain the facts herein contained;

NOW, THEREFORE, be it resolved that the City Council of the City of Charlotte finds that the public health and welfare, including the health and welfare of persons of low income in the City and said surrounding area, require the construction, maintenance or operation of public hospital facilities for the inhabitants thereof.

BE IT FURTHER RESOLVED that notice of this determination be given to the Mayor of the City of Charlotte for him to take such further steps and actions as are set out and contained in said Hospital Authorities Law."

NOW, THEREFORE, pursuant to the provisions of the "Hospital Authorities Law" of the State of North Carolina, as contained in Senate Bill No. 254 of the 1943 Session of the North Carolina General Assembly, and by virtue of my office as Mayor, and by virtue of the aforementioned resolution of the City Council of the City of Charlotte, I hereby appoint the eighteen (18) persons hereinafter named to serve as Commissioners of the Hospital Authority of the City of Charlotte, North Carolina, and to serve for the number of years

CITY OF CHARLOTTE-
NORTH CAROLINA

appearing after their names, respectively, from the 6th day of May, 1943.

| | |
|-------------------------------|----------|
| <u>Miss Emma Hall</u> | 4 years |
| <u>Mrs. John B. London</u> | 4 years |
| <u>Mrs. Hamilton W. McKay</u> | 4 years |
| <u>Mrs. George C. Snyder</u> | 4 years |
| <u>Ernest R. Cannon</u> | 4 years |
| <u>J. A. Jones</u> | 4 years |
| <u>A. L. Boyle</u> | 8 years |
| <u>William H. Barnhardt</u> | 8 years |
| <u>J. Herbert Bridges</u> | 8 years |
| <u>M. E. Pierson</u> | 8 years |
| <u>John C. Shepherd</u> | 8 years |
| <u>John L. Wilkinson</u> | 8 years |
| <u>F. J. Blythe</u> | 12 years |
| <u>R. S. Dickson</u> | 12 years |
| <u>R. S. Griffith</u> | 12 years |
| <u>Mrs. E. C. Marshall</u> | 12 years |
| <u>Harry L. Dalton</u> | 12 years |
| <u>H. G. Jones</u> | 12 years |

I hereby designate F. J. Blythe as the first Chairman of the Hospital Authority of the City of Charlotte, North Carolina.

IN WITNESS WHEREOF, I have hereunto signed my name as Mayor of the City of Charlotte, North Carolina, and caused the official corporate seal of said City of Charlotte, North Carolina to be attached hereto this 6th day of

APPLICATION FOR CERTIFICATE OF
INCORPORATION FOR THE CHARLOTTE
MEMORIAL HOSPITAL AUTHORITY OF THE
CITY OF CHARLOTTE, NORTH CAROLINA

TO THE SECRETARY OF STATE OF NORTH CAROLINA:

The undersigned, Emma J. Hall, Mrs. John B. London, Mrs. Hamilton W. McKay, Mrs. George C. Snyder, E. R. Cannon, J. A. Jones, A. L. Boyle, William H. Barnhardt, J. H. Bridges, M. E. Pierson, John C. Shepherd, John L. Wilkinson, F. J. Blythe, R. S. Dickson, E. C. Griffith, Mrs. E. C. Marshall, Harry L. Dalton and H. C. Jones, hereby apply for a certificate of incorporation for the Charlotte Memorial Hospital Authority of the City of Charlotte, North Carolina, pursuant to the "Hospital Authorities Law" of the State of North Carolina, as contained in Senate Bill No. 254 of the 1943 Session of the North Carolina General Assembly, and to that end do respectfully show:

1. That the City Council of the City of Charlotte, after proper investigation, did at a duly authorized regular meeting on Wednesday, March 17, 1943, determine that the public health and welfare, including the health and welfare of persons of low income in the City of Charlotte and surrounding area, require the construction, maintenance or operation of public hospital facilities for the inhabitants thereof, as set forth in a resolution duly adopted by the City Council of the City of Charlotte, copy of which is hereto attached, and that notice of this determination by the City Council of the City of Charlotte was duly given to the Mayor of the City of Charlotte, and that thereafter, on the 6th day of May, 1943, the Mayor of the City of Charlotte appointed the undersigned as Commissioners;

2 (a) That the name, official residence, and term of office of each of said undersigned Commissioners is as follows:

| NAME | OFFICIAL RESIDENCE | TERM, IN YEARS FROM THE 7th DAY OF MAY, 1943 | DATE OF ING PRES CRIBED O. AND INDU TION INT OFFICE |
|---|--------------------|--|--|
| Emma H. Hall, Commissioner | Charlotte, N. C. | 4 years | May 7, 19 |
| Mrs. John B. London, Commissioner | Charlotte, N. C. | 4 years | May 19, 1 |
| Mrs. Hamilton W. McKay, Commissioner | Charlotte, N. C. | 4 years | May 17, 1 |
| Mrs. George C. Snyder, Commissioner | Charlotte, N. C. | 4 years | May 8, 19 |
| Ernest R. Cannon, Commissioner | Charlotte, N. C. | 4 years | May 7, 19 |
| J. A. Jones, Commissioner | Charlotte, N. C. | 4 years | May 8, 19 |
| A. L. Boyle, Commissioner | Charlotte, N. C. | 8 years | May 7, 19 |
| William H. Barnhardt, Commissioner | Charlotte, N. C. | 8 years | May 7, 19 |
| J. Herbert Bridges, Commissioner | Charlotte, N. C. | 8 years | May 7, 19 |
| M. B. Pierson, Commissioner | Charlotte, N. C. | 8 years | May 7, 19 |
| John C. Shepherd, Commissioner | Charlotte, N. C. | 8 years | May 7, 19 |
| John L. Wilkinson, Commissioner | Charlotte, N. C. | 8 years | May 7, 19 |
| F. J. Blythe, Chairman | Charlotte, N. C. | 12 years | May 17, 1 |
| R. S. Dickson Commissioner | Charlotte, N. C. | 12 years | May 7, 19 |
| E. C. Griffith, Commissioner | Charlotte, N. C. | 12 years | May 7, 19 |
| Mrs. E. G. Marshall, Commissioner | Charlotte, N. C. | 12 years | June 18, |
| Harry L. Dalton, Commissioner | Charlotte, N. C. | 12 years | May 7, 19 |
| H. C. Jones, Commissioner | Charlotte, N. C. | 12 years | May 7, 19 |

(b) That a certified copy of the appointment evidencing the right of each of the undersigned to office is hereto attached.

(c) That each of the undersigned Commissioners was inducted into office and took the prescribed oath of office in the City of Charlotte, North Carolina, on the date shown in paragraph 2 (a) above.

(d) That the undersigned Commissioners desire said Hospital Authority to become a public body and a body corporate and politic under the said Hospital Authorities Law.

3. The name which is proposed for the corporation is the "CHARLOTTE MEMORIAL HOSPITAL AUTHORITY OF CHARLOTTE, NORTH CAROLINA".

4. The location of the principal office of the corporation is in the City of Charlotte, State of North Carolina.

IN WITNESS WHEREOF, we have hereunto subscribed our names on this the 25th day of June, 1943.


J. Blythe, Chairman


Miss Emma J. Hall, Commissioner


Mrs. John B. London, Commissioner


Mrs. Hamilton W. McKay, Commissioner


Mrs. George C. Snyder, Commissioner


Ernest R. Cannon, Commissioner


J. A. Jones, Commissioner


A. L. Boyle, Commissioner


William H. Barnhardt, Commissioner


J. Herbert Bridges, Commissioner


M. E. Pierson, Commissioner


John C. Shepherd, Commissioner

John L. Wilkinson
 John L. Wilkinson, Commissioner

R. S. Dickson
 R. S. Dickson, Commissioner

E. C. Griffith
 E. C. Griffith, Commissioner

Mrs. E. C. Marshall
 Mrs. E. C. Marshall, Commissioner

Harry L. Dalton
 Harry L. Dalton, Commissioner

H. C. Jones
 H. C. Jones, Commissioner

STATE OF NORTH CAROLINA
 COUNTY OF MECKLENBURG

I, *Zelda McAnulty*, a notary public in and for the said County, in said State, hereby certify that Emma J. Hall, Mrs. John B. London, Mrs. Hamilton W. McKay, Mrs. George C. Snyder, E. R. Cannon, J. A. Jones, A. L. Boyle, William H. Barnhardt, J. H. Bridges M. E. Pierson, John C. Shepherd, John L. Wilkinson, F. J. Blythe, R. S. Dickson, E. C. Griffith, Mrs. E. C. Marshall, Harry L. Dalton and H. C. Jones came before me upon this day; that each of said persons is known to me to be the officer which the foregoing application asserts him to be; that each of said persons was duly sworn by me upon his or her aforesaid appearance before me upon this day; and that each of said persons subscribed and swore to the said application, and to the contents thereof, in my presence upon his or her appearance before me upon this day.

WITNESS my hand and official seal, this the 25 day of June, 1943.

Zelda McAnulty
 Notary Public.



My commission expires: Jan. 15, 1945

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 THAD EURE
 SECRETARY OF STATE

STATE OF NORTH CAROLINA

COUNTY OF MCDONALD

R. S. Dickson and John B. London, being first duly sworn,
depose and say:

That they are the Chairman and Secretary respectively of
the Board of Commissioners of Charlotte Memorial Hospital Authority
of Charlotte, North Carolina, and, as such, are authorized to
execute this verification; that the foregoing is a true and correct
copy of a resolution adopted by the affirmative vote of more than a
majority of the members of the Board of Commissioners of Charlotte
Memorial Hospital Authority of Charlotte, North Carolina, at a
meeting of said Board of Commissioners which was duly and regularly
called and held at the offices of Charlotte Memorial Hospital
Authority of Charlotte, North Carolina, located at 1400 Scott
Avenue in the City of Charlotte, North Carolina, on the 19th
day of September, 1961, at 7:30 o'clock, A. M.,
Eastern Standard Time, and that said resolution has not been altered,
amended, rescinded or revoked since its adoption but that it is
still in full force and effect.


R. S. Dickson


John B. London

Sworn to and subscribed before me,
this 27th day of September, 1961.


Notary Public

My commission expires: ~~My Commission Expires July 12, 1961~~

WHEREAS, the General Assembly of the State of North Carolina did, on the 17th day of June, 1961, enact and ratify an act amending Chapter 131, Article 12 of the General Statutes of North Carolina, under the provisions of which amendment an authority created and existing pursuant to Article 12 of Chapter 131 of the General Statutes of North Carolina may, at any time, by resolution adopted by a majority of the commissioners of such authority, change its name; and

WHEREAS, Charlotte Memorial Hospital Authority of Charlotte, North Carolina, is a body corporate and politic created and existing pursuant to Article 12 of Chapter 131 of the General Statutes of North Carolina; and

WHEREAS, it has been made to appear to the Commissioners of Charlotte Memorial Hospital Authority of Charlotte, North Carolina, and said Commissioners do find hereby, that it is to the best interests of Charlotte Memorial Hospital Authority of Charlotte, North Carolina, that its name be changed to The Charlotte-Mecklenburg Hospital Authority;

NOW, THEREFORE, BE IT RESOLVED: That the name of Charlotte Memorial Hospital Authority of Charlotte, North Carolina, be and it is changed hereby to The Charlotte-Mecklenburg Hospital Authority.

BE IT FURTHER RESOLVED: That a copy of this resolution, duly verified by the Chairman and Secretary of the Board of Commissioners of Charlotte Memorial Hospital Authority of Charlotte, North Carolina, before an officer authorized by the laws of this State to take and certify oaths, together with a conformed copy thereof, be delivered

to the Secretary of State of the State of North Carolina.

FILED

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THAD EURE
SECRETARY OF STATE
NORTH CAROLINA

~~CITY OF CHARLOTTE~~
~~NORTH CAROLINA~~

May, 1943.

(SIGNED) E. M.A. Garris
Mayor

(OFFICIAL SEAL)

Attest:

Alice B. McConnell
City Clerk

CERTIFICATE OF MAYOR

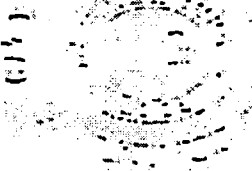
I, E. M.A. Garris, Mayor of the City of Charlotte, North Carolina, hereby certify that the foregoing certificate was duly filed in the office of the Clerk of the City of Charlotte, North Carolina, on the 6th day of May, 1943.



I, Alice B. McConnell, Clerk of the City of Charlotte, North Carolina, hereby certify that the foregoing certificate of appointment of Commissioners of the Hospital Authority of the City of Charlotte, North Carolina, etc., has been carefully copied from the original certificate on file and of record in the office of the City Clerk of the City of Charlotte, North Carolina.

WITNESS my hand and the official seal of said City of Charlotte, North Carolina, this 21st day of June, 1943.

Alice B. McConnell
City Clerk



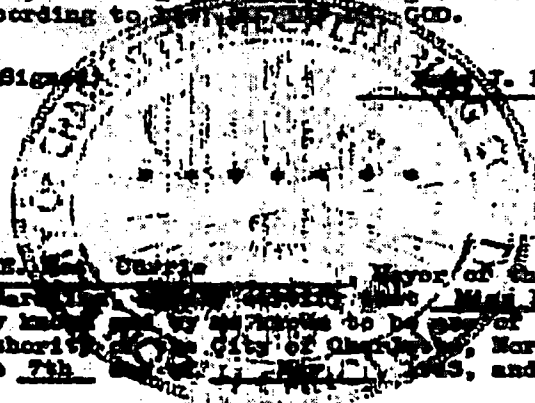
CITY OF CHARLOTTE
NORTH CAROLINA

SWORN BY COMMISSIONERS OF HOSPITAL AUTHORITY
OF THE CITY OF CHARLOTTE, NORTH CAROLINA.

• • • • •

I, Miss J. Hall, do solemnly swear that I will support the Constitution of the United States; and I do solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of the said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and that I will well and truly execute and faithfully perform the duties of the office of Commissioner of the Hospital Authority of the City of Charlotte, North Carolina, according to the best of my skill and ability, according to the laws of the State of North Carolina and the laws of the City of Charlotte, and according to the laws of GOD.

(Signed) Miss J. Hall



I, E. M. Gurnie, Mayor of the City of Charlotte, State of North Carolina, do hereby certify that Miss J. Hall to me personally known and by me known to be one of the Commissioners of the Hospital Authority of the City of Charlotte, North Carolina, appeared before me on the 7th day of June, 1943, and made the above oath.

(SEAL) Signed) E. M. Gurnie
Mayor

• • • • •

I, Allice B. McConnell, City Clerk of the City of Charlotte, North Carolina, hereby certify that the above is a true and exact copy of the oath administered to Miss J. Hall, one of the Commissioners of the Hospital Authority of the City of Charlotte, North Carolina, as same appears filed and of record in my office.

WITNESS my hand and the official seal of said City of Charlotte, North Carolina, this 19th day of June, 1943.

Allice B. McConnell
City Clerk

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**SWORN OATH OF COMMISSIONERS OF HOSPITAL AUTHORITY
OF THE CITY OF CHARLOTTE, NORTH CAROLINA.**

* * * * *

I, Mrs. John B. Londen, do solemnly swear that I will support the Constitution of the United States; and I do solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of the said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and that I will well and truly execute and faithfully perform the duties of the office of Commissioner of the Hospital Authority of the City of Charlotte, North Carolina, according to the best of my skill and ability, according to law, ~~and~~ **IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said City of Charlotte, North Carolina, this 19th day of June, 1963.**

(Signed)

Mrs. John B. Londen



I, H. H. Baxter, Mayor of the City of Charlotte, State of North Carolina, do hereby certify that Mrs. John B. Londen to me personally known, and by me known to be one of the Commissioners of the Hospital Authority of the City of Charlotte, North Carolina, appeared before me on the 19th day of June, 1963, and made the above oath.

(SEAL)

(Signed)

H. H. Baxter

Mayor

* * * * *

I, Alice B. McConnell, City Clerk of the City of Charlotte, North Carolina, hereby certify that the above is a true and exact copy of the oath administered to Mrs. John B. Londen one of the Commissioners of the Hospital Authority of the City of Charlotte, North Carolina, as same appears filed and of record in my office.

WITNESS my hand and the official seal of said City of Charlotte, North Carolina, this 19th day of June, 1963.

Alice B. McConnell
City Clerk

~~CERTIFICATE OF ADOPTION~~
~~NORTH CAROLINA~~

**OFFICE OF COMMISSIONERS OF HOSPITAL AUTHORITY
OF THE CITY OF CHARLOTTE, NORTH CAROLINA.**

* * * * *

I, Mrs. Hamilton W. McKay, do solemnly swear that I will support the Constitution of the United States; and I do solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of the said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and that I will well and truly execute and faithfully perform the duties of the office of Commissioner of the Hospital Authority of the City of Charlotte, North Carolina, according to the best of my skill and ability, according to ~~the best of my skill and ability~~ IN THE NAME OF GOD.

(Signed)

Mrs. Hamilton W. McKay

I, H. H. Barter, Mayor of the City of Charlotte, State of North Carolina, do hereby certify that Mrs. Hamilton W. McKay, to me personally known and known to be one of the Commissioners of the Hospital Authority of the City of Charlotte, North Carolina, appeared before me on the 17th day of June, 1943, and made the above oath.

(SEAL)

(Signed)

H. H. Barter

Mayor

* * * * *

I, Alice B. McConnell, City Clerk of the City of Charlotte, North Carolina, hereby certify that the above is a true and exact copy of the oath administered to Mrs. Hamilton W. McKay, one of the Commissioners of the Hospital Authority of the City of Charlotte, North Carolina, as same appears filed and of record in my office.

WITNESS my hand and the official seal of said City of Charlotte, North Carolina, this 18th day of June, 1943.

Alice B. McConnell
City Clerk

OFFICE OF THE COMMISSIONER
NORTH-CAROLINA

SWORN OF COMMISSIONERS OF HOSPITAL AUTHORITY
OF THE CITY OF CHARLOTTE, NORTH CAROLINA.

* * * * *

I, Mrs. George S. Sawyer, do solemnly swear that I will support the Constitution of the United States; and I do solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to maintain and defend the Constitution of the said State, and to conform with the Constitution of the United States, to the best of my knowledge and ability; and that I will well and faithfully perform the duties of the office of Commissioner of the Hospital Authority of the City of Charlotte, North Carolina, according to the best of my skill and ability, according to the laws of the State.

(Signed)

Mrs. George S. Sawyer



I, E. M. A. Gurrin, Mayor of the City of Charlotte, State of North Carolina, hereby certify that Mrs. George S. Sawyer to me personally known and by me known to be one of the Commissioners of the Hospital Authority of the City of Charlotte, North Carolina, appeared before me on the 5th day of May, 1943, and made the above oath.

(SEAL)

(Signed)

E. M. A. Gurrin

Mayor

* * * * *

I, Alice B. McConnell, City Clerk of the City of Charlotte, North Carolina, hereby certify that the above is a true and exact copy of the oath administered to Mrs. George S. Sawyer, one of the Commissioners of the Hospital Authority of the City of Charlotte, North Carolina, as same appears filed and of record in my office.

WITNESS my hand and the official seal of said City of Charlotte, North Carolina, this 18th day of June, 1943.

Alice B. McConnell
City Clerk

~~CONFIDENTIAL~~
NORTH CAROLINA

**OATH OF COMMISSIONER OF HOSPITAL AUTHORITY
OF THE CITY OF CHARLOTTE, NORTH CAROLINA.**

* * * * *

I, E. E. Cannon, do solemnly swear that I will support the Constitution of the United States; and I do solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of the said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and that I will well and truly execute and faithfully perform the duties of the office of Commissioner of the Hospital Authority of the City of Charlotte, North Carolina, according to the best of my skill and ability, according to the laws of the State.

(Signed)

E. E. Cannon



I, E. E. Cannon, Mayor of the City of Charlotte, State of North Carolina, do hereby certify that E. E. Cannon to me personally known and known by me as one of the Commissioners of the Hospital Authority of the City of Charlotte, North Carolina, appeared before me on the 7th day of June, 1943, and made the above oath.

(SEAL)

(Signed)

E. McA. Gurrie

Mayor

* * * * *

I, Alice B. McConnell, City Clerk of the City of Charlotte, North Carolina, hereby certify that the above is a true and exact copy of the oath administered to E. E. Cannon, one of the Commissioners of the Hospital Authority of the City of Charlotte, North Carolina, as same appears filed and of record in my office.

WITNES my hand and the official seal of said City of Charlotte, North Carolina, this 17th day of June, 1943.

Alice B. McConnell
City Clerk

CITY OF CHARLOTTE
NORTH CAROLINA

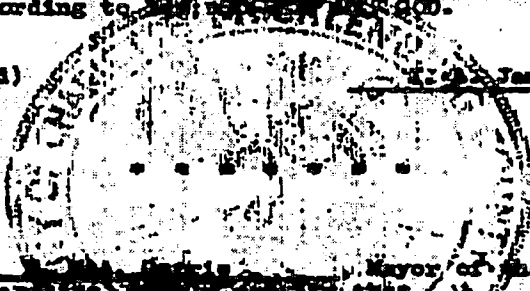
OATH OF COMMISSIONERS OF HOSPITAL AUTHORITY
OF THE CITY OF CHARLOTTE, NORTH CAROLINA.

* * * * *

I, J. A. Jones, do solemnly swear that I will support the Constitution of the United States; and I do solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of the said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and that I will well and truly execute and faithfully perform the duties of the office of Commissioner of the Hospital Authority of the City of Charlotte, North Carolina, according to the best of my skill and ability, according to the laws of the State of North Carolina.

(Signed)

J. A. Jones



I, E. H. H. H. H., Mayor of the City of Charlotte, State of North Carolina, do hereby certify that J. A. Jones to me personally known and known to be one of the Commissioners of the Hospital Authority of the City of Charlotte, North Carolina, appeared before me on the 8th day of June, 1943, and made the above oath.

(SEAL)

(Signed)

E. H. H. H. H.

Mayor

* * * * *

I, Alice B. McConnell, City Clerk of the City of Charlotte, North Carolina, hereby certify that the above is a true and exact copy of the oath administered to J. A. Jones, one of the Commissioners of the Hospital Authority of the City of Charlotte, North Carolina, as same appears filed and of record in my office.

WITNESS my hand and the official seal of said City of Charlotte, North Carolina, this 19th day of June, 1943.

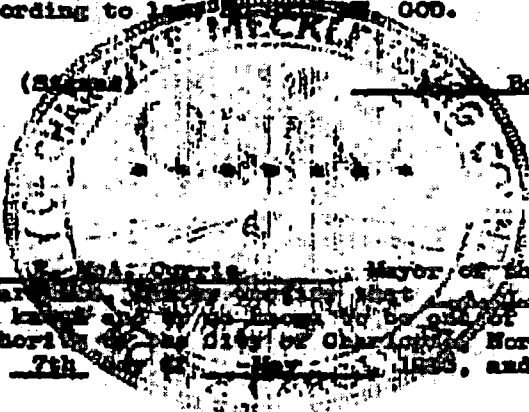
Alice B. McConnell
City Clerk

~~SEAL OF CHARLOTTE~~
~~NORTH CAROLINA~~

**OATH OF COMMISSIONER OF HOSPITAL AUTHORITY
OF THE CITY OF CHARLOTTE, NORTH CAROLINA.**

* * * * *

I, A. L. Boyle, do solemnly swear that I will support the Constitution of the United States; and I do solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of the said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and that I will well and truly execute and faithfully perform the duties of the office of Commissioner of the Hospital Authority of the City of Charlotte, North Carolina, according to the best of my skill and ability, according to ~~law~~ GOD.



(SEAL) Boyle

I, E. McA. Currie, Mayor of the City of Charlotte, State of North Carolina, do hereby certify that A. L. Boyle to me personally known as A. L. Boyle, one of the Commissioners of the Hospital Authority of the City of Charlotte, North Carolina, appeared before me on the 7th day of June, 1943, and made the above oath.

(SEAL) E. McA. Currie
Mayor

* * * * *

I, Alice B. McConnell, City Clerk of the City of Charlotte, North Carolina, hereby certify that the above is a true and exact copy of the oath administered to A. L. Boyle, one of the Commissioners of the Hospital Authority of the City of Charlotte, North Carolina, as same appears filed and of record in my office.

WITNESS my hand and the official seal of said City of Charlotte, North Carolina, this 19th day of June, 1943.

Alice B. McConnell
City Clerk

CITY OF CHARLOTTE
NORTH CAROLINA

OATH OF COMMISSIONERS OF HOSPITAL AUTHORITY
OF THE CITY OF CHARLOTTE, NORTH CAROLINA.

* * * * *

I, William H. Barhardt, do solemnly swear that I will support the Constitution of the United States; and I do solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of the said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and that I will well and truly execute and faithfully perform the duties of the office of Commissioner of the Hospital Authority of the City of Charlotte, North Carolina, according to the best of my skill and ability, according to law.



Barhardt

I, E. M. Currie, Mayor of the City of Charlotte, State of North Carolina, do hereby certify that William H. Barhardt to me personally known, duly qualified, one of the Commissioners of the Hospital Authority of the City of Charlotte, North Carolina, appeared before me on the 7th day of June, 1943, and made the above oath.

(SEAL)

(Signed)

E. M. Currie
Mayor

* * * * *

I, Alice B. McConnell, City Clerk of the City of Charlotte, North Carolina, hereby certify that the above is a true and exact copy of the oath administered to William H. Barhardt, one of the Commissioners of the Hospital Authority of the City of Charlotte, North Carolina, as same appears filed and of record in my office.

WITNESS my hand and the official seal of said City of Charlotte, North Carolina, this 19th day of June, 1943.

Alice B. McConnell
City Clerk

**CITY OF CHARLOTTE
NORTH CAROLINA**

**OATH OF COMMISSIONER OF HOSPITAL AUTHORITY
OF THE CITY OF CHARLOTTE, NORTH CAROLINA.**

* * * * *

I, M. E. Pierson, do solemnly swear that I will support the Constitution of the United States; and I do solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of the said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and that I will well and truly execute and faithfully perform the duties of the office of Commissioner of the Hospital Authority of the City of Charlotte, North Carolina, according to the best of my skill and ability, according to law; CHARTER, 500.



M. E. Pierson

I, E. M. Garris, Mayor of the City of Charlotte, State of North Carolina, do hereby certify that M. E. Pierson to me personally known and known to me by the Commissioners of the Hospital Authority of the City of Charlotte, North Carolina, appeared before me on the 7th day of June, 1943, and made the above oath.

(SEAL)

(Signed)

E. M. Garris
Mayor

* * * * *

I, Alice B. McConnell, City Clerk of the City of Charlotte, North Carolina, hereby certify that the above is a true and exact copy of the oath administered to M. E. Pierson, one of the Commissioners of the Hospital Authority of the City of Charlotte, North Carolina, as same appears filed and of record in my office.

WITNESS my hand and the official seal of said City of Charlotte, North Carolina, this 12th day of June, 1943.

Alice B. McConnell
City Clerk

CITY OF CHARLOTTE
NORTH CAROLINA

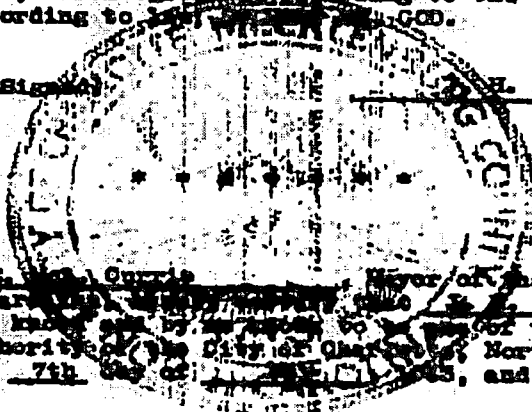
OATH OF COMMISSIONERS OF HOSPITAL AUTHORITY
OF THE CITY OF CHARLOTTE, NORTH CAROLINA.

* * * * *

I, J. H. Bridges, do solemnly swear that I will support the Constitution of the United States; and I do solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of the said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and that I will well and truly execute and faithfully perform the duties of the office of Commissioner of the Hospital Authority of the City of Charlotte, North Carolina, according to the best of my skill and ability, according to the will of GOD.

(Signed)

J. H. Bridges



I, E. McA. Gurrie, Mayor of the City of Charlotte, State of North Carolina, do hereby certify that J. H. Bridges to me personally known and known to me by the name of the Commissioners of the Hospital Authority of the City of Charlotte, North Carolina, appeared before me on the 7th day of June, 1943, and made the above oath.

(SEAL)

(Signed)

E. McA. Gurrie

Mayor

* * * * *

I, Alice B. McConnell, City Clerk of the City of Charlotte, North Carolina, hereby certify that the above is a true and exact copy of the oath administered to J. H. Bridges, one of the Commissioners of the Hospital Authority of the City of Charlotte, North Carolina, as same appears filed and of record in my office.

WITNES my hand and the official seal of said City of Charlotte, North Carolina, this 12th day of June, 1943.

Alice B. McConnell
City Clerk

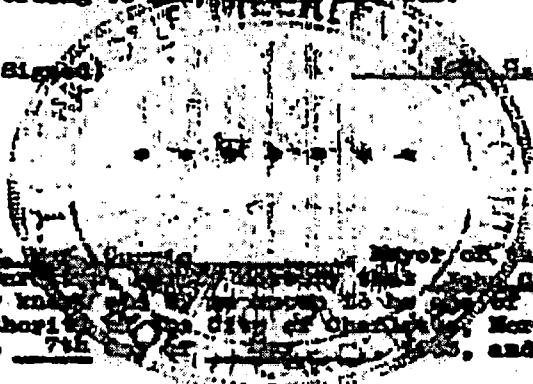
**SWORN OATH OF COMMISSIONER OF HOSPITAL AUTHORITY
OF THE CITY OF CHARLOTTE, NORTH CAROLINA.**

* * * * *

I, John G. Shephard, do solemnly swear that I will support the Constitution of the United States; and I do solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of the said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and that I will well and truly execute and faithfully perform the duties of the office of Commissioner of the Hospital Authority of the City of Charlotte, North Carolina, according to the best of my skill and ability, according to law, ~~and~~ GOD.

(Signed)

J. Shephard



I, E. M. Gossia, Mayor of the City of Charlotte, State of North Carolina, do hereby certify that John G. Shephard is personally known to me and is one of the Commissioners of the Hospital Authority of the City of Charlotte, North Carolina, and appeared before me on the 7th day of June, 1943, and made the above oath.

(SEAL)

(Signed)

E. M. Gossia

Mayor

* * * * *

I, Alice B. McConnell, City Clerk of the City of Charlotte, North Carolina, hereby certify that the above is a true and exact copy of the oath administered to John G. Shephard, one of the Commissioners of the Hospital Authority of the City of Charlotte, North Carolina, as same appears filed and of record in my office.

WITNESS my hand and the official seal of said City of Charlotte, North Carolina, this 19th day of June, 1943.

Alice B. McConnell
City Clerk

CITY OF CHARLOTTE, NORTH CAROLINA

**OFFICE OF COMMISSIONER OF HOSPITAL AUTHORITY
OF THE CITY OF CHARLOTTE, NORTH CAROLINA.**

* * * * *

I, John L. Wilkinson, do solemnly swear that I will support the Constitution of the United States; and I do solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of the said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and that I will well and truly execute and faithfully perform the duties of the office of Commissioner of the Hospital Authority of the City of Charlotte, North Carolina, according to the best of my skill and ability, according to the Oath.

(Signed)

John L. Wilkinson



I, E. McA. Gurrie, Mayor of the City of Charlotte, State of North Carolina, do hereby certify that John L. Wilkinson to me personally known to be the Commissioner of the Hospital Authority of the City of Charlotte, North Carolina, appeared before me on the 19th day of June, 1943, and made the above oath.

(SEAL)

(Signed)

E. McA. Gurrie
Mayor

* * * * *

I, Alice B. McConnell, City Clerk of the City of Charlotte, North Carolina, hereby certify that the above is a true and exact copy of the oath administered to John L. Wilkinson, one of the Commissioners of the Hospital Authority of the City of Charlotte, North Carolina, as same appears filed and of record in my office.

WITNESS my hand and the official seal of said City of Charlotte, North Carolina, this 19th day of June, 1943.

Alice B. McConnell
City Clerk

~~CITY OF CHARLOTTE~~
~~RECEIVED~~

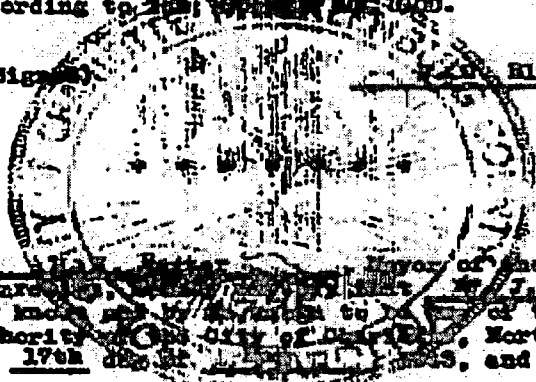
**OATH OF COMMISSIONER OF HOSPITAL AUTHORITY
OF THE CITY OF CHARLOTTE, NORTH CAROLINA**

* * * * *

I, F. J. Blythe, do solemnly swear that I will support the Constitution of the United States; and I do solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authority which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of the said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and that I will well and truly execute and faithfully perform the duties of the office of Commissioner of the Hospital Authority of the City of Charlotte, North Carolina, according to the best of my skill and ability, according to the provisions of the Act of 1909.

(Signed)

F. J. Blythe



I, H. H. Barker, Mayor of the City of Charlotte, State of North Carolina, do hereby certify that F. J. Blythe to me personally known and qualified to be one of the Commissioners of the Hospital Authority of the City of Charlotte, North Carolina, appeared before me on the 17th day of June, 1943, and made the above oath.

(SEAL)

(Signed)

H. H. Barker
Mayor

* * * * *

I, Alice B. McConnell, City Clerk of the City of Charlotte, North Carolina, hereby certify that the above is a true and exact copy of the oath administered to F. J. Blythe, one of the Commissioners of the Hospital Authority of the City of Charlotte, North Carolina, as same appears filed and of record in my office.

WITNESS my hand and the official seal of said City of Charlotte, North Carolina, this 17th day of June, 1943.

Alice B. McConnell
City Clerk

CITY OF CHARLOTTE
NORTH CAROLINA

STATE OF COMMISSIONER OF HOSPITAL AUTHORITY
OF THE CITY OF CHARLOTTE, NORTH CAROLINA.

* * * * *

I, R. S. Dickson, do solemnly swear that I will support the Constitution of the United States; and I do solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of the said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and that I will well and truly execute and faithfully perform the duties of the office of Commissioner of the Hospital Authority of the City of Charlotte, North Carolina, according to the best of my skill and ability, according to law. GOD.

(Signed)

R. S. Dickson



I, E. McA. Harris, Mayor of the City of Charlotte, State of North Carolina, do hereby certify that R. S. Dickson, one of the Commissioners of the Hospital Authority of the City of Charlotte, North Carolina, appeared before me on the 7th day of June, 1943, and made the above oath.

(SEAL)

(Signed)

E. McA. Harris
Mayor

* * * * *

I, Alice B. McConnell, City Clerk of the City of Charlotte, North Carolina, hereby certify that the above is a true and correct copy of the oath administered to R. S. Dickson, one of the Commissioners of the Hospital Authority of the City of Charlotte, North Carolina, as same appears filed and of record in my office.

WITNES my hand and the official seal of said City of Charlotte, North Carolina, this 19th day of June, 1943.

Alice B. McConnell
City Clerk

CITY OF CHARLOTTE
NORTH CAROLINA

OATH OF COMMISSIONER OF HOSPITAL AUTHORITY
OF THE CITY OF CHARLOTTE, NORTH CAROLINA.

* * * * *

I, E. G. Griffith, do solemnly swear that I will support the Constitution of the United States; and I do solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of the said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and that I will well and truly execute and faithfully perform the duties of the office of Commissioner of the Hospital Authority of the City of Charlotte, North Carolina, according to the best of my skill and ability, according to law. ~~SWORN TO~~ OGD.

(Signed)

E. Griffith



I, E. G. Griffith, Mayor of the City of Charlotte, State of North Carolina, hereby certify that E. G. Griffith to me personally known and known to me as one of the Commissioners of the Hospital Authority of the City of Charlotte, North Carolina, appeared before me on the 19th day of June, 1923, and made the above oath.

(SEAL)

(Signed)

E. McA. Gurria
Mayor

* * * * *

I, Alice B. McConnell, City Clerk of the City of Charlotte, North Carolina, hereby certify that the above is a true and exact copy of the oath administered to E. G. Griffith, one of the Commissioners of the Hospital Authority of the City of Charlotte, North Carolina, as same appears filed and of record in my office.

WITNESSED my hand and the official seal of said City of Charlotte, North Carolina, this 19th day of June, 1923.

Alice B. McConnell
City Clerk

~~CONFIDENTIAL~~
~~CONFIDENTIAL~~

**OATH OF COMMISSIONER OF HOSPITAL AUTHORITY
OF THE CITY OF CHARLOTTE, NORTH CAROLINA.**

* * * * *

I, Mrs. E. G. Marshall, do solemnly swear that I will support the Constitution of the United States; and I do solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of the said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and that I will well and truly execute and faithfully perform the duties of the office of Commissioner of the Hospital Authority of the City of Charlotte, North Carolina, according to the best of my skill and ability, according to law, GOD.



(Signed) Mrs. E. G. Marshall

I, H. H. Porter, Mayor of the City of Charlotte, State of North Carolina, do hereby certify that I have personally known Mrs. E. G. Marshall as one of the Commissioners of the Hospital Authority of the City of Charlotte, North Carolina, and made the above oath before me on the 18th day of June, 1943.

(SEAL)

(Signed)

H. H. Porter
Mayor

* * * * *

I, Alice B. McConnell, City Clerk of the City of Charlotte, North Carolina, hereby certify that the above is a true and exact copy of the oath administered to Mrs. E. G. Marshall, one of the Commissioners of the Hospital Authority of the City of Charlotte, North Carolina, as same appears filed and of record in my office.

WITNESSE my hand and the official seal of said City of Charlotte, North Carolina, this 19th day of June, 1943.

Alice B. McConnell
City Clerk

~~CONFIDENTIAL~~
RESTRICTED

**SWORN BY COMMISSIONER OF HOSPITAL AUTHORITY
OF THE CITY OF CHARLOTTE, NORTH CAROLINA.**

I, Harry L. Dalton, do solemnly swear that I will support the Constitution of the United States; and I do solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of the said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and that I will well and truly execute and faithfully perform the duties of the office of Commissioner of the Hospital Authority of the City of Charlotte, North Carolina, according to the best of my skill and ability, according to law, ~~and to the best of my ability~~. GOD.

(Signed) Harry L. Dalton



I, E. McA. Currie, Mayor of the City of Charlotte, State of North Carolina, do hereby certify that Harry L. Dalton to me personally appeared before me on the 7th day of June, 1943, and made the above oath.

(SEAL)

(Signed)

E. McA. Currie
Mayor

I, Alice B. McConnell, City Clerk of the City of Charlotte, North Carolina, hereby certify that the above is a true and exact copy of the oath administered to Harry L. Dalton, one of the Commissioners of the Hospital Authority of the City of Charlotte, North Carolina, as same appears filed and of record in my office.

WITNESS my hand and the official seal of said City of Charlotte, North Carolina, this 19th day of June, 1943.

Alice B. McConnell
City Clerk

WHEREAS, the General Assembly of the State of North Carolina did, on the 17th day of June, 1961, enact and ratify an act amending Chapter 131, Article 12 of the General Statutes of North Carolina, under the provisions of which amendment an authority created and existing pursuant to Article 12 of Chapter 131 of the General Statutes of North Carolina may, at any time, by resolution adopted by a majority of the commissioners of such authority, change its name; and

WHEREAS, Charlotte Memorial Hospital Authority of Charlotte, North Carolina, is a body corporate and politic created and existing pursuant to Article 12 of Chapter 131 of the General Statutes of North Carolina; and

WHEREAS, it has been made to appear to the Commissioners of Charlotte Memorial Hospital Authority of Charlotte, North Carolina, and said Commissioners do find hereby, that it is to the best interests of Charlotte Memorial Hospital Authority of Charlotte, North Carolina, that its name be changed to The Charlotte-Mecklenburg Hospital Authority;

NOW, THEREFORE, BE IT RESOLVED: That the name of Charlotte Memorial Hospital Authority of Charlotte, North Carolina, be and it is changed hereby to The Charlotte-Mecklenburg Hospital Authority.

BE IT FURTHER RESOLVED: That a copy of this resolution, duly verified by the Chairman and Secretary of the Board of Commissioners of Charlotte Memorial Hospital Authority of Charlotte, North Carolina, before an officer authorized by the laws of this State to take and certify oaths, together with a conformed copy thereof, be delivered

to the Secretary of State of the State of North Carolina.

FILED

OCT 10 10 32 AM 1961

THAD EURE
SECRETARY OF STATE
NORTH CAROLINA

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

R. S. Dickson and John B. London, being first duly sworn,
depose and say:

That they are the Chairman and Secretary respectively of the Board of Commissioners of Charlotte Memorial Hospital Authority of Charlotte, North Carolina, and, as such, are authorized to execute this verification; that the foregoing is a true and correct copy of a resolution adopted by the affirmative vote of more than a majority of the members of the Board of Commissioners of Charlotte Memorial Hospital Authority of Charlotte, North Carolina, at a meeting of said Board of Commissioners which was duly and regularly called and held at the offices of Charlotte Memorial Hospital Authority of Charlotte, North Carolina, located at 1400 Scott Avenue in the City of Charlotte, North Carolina, on the 19th day of September, 1961, at 7:30 o'clock, A. M., Eastern Standard Time, and that said resolution has not been altered, amended, rescinded or revoked since its adoption but that it is still in full force and effect.


R. S. Dickson


John B. London

Sworn to and subscribed before me,

this 27th day of September, 1961.


Notary Public

My commission expires: My Commission Expires July 12, 1963

CERTIFICATE OF ASSUMED NAME

The undersigned corporation, proposing to engage in business in Mecklenburg County, North Carolina under an assumed name other than its corporate name, hereby certifies that:

1. A name under which the business is to be conducted is:

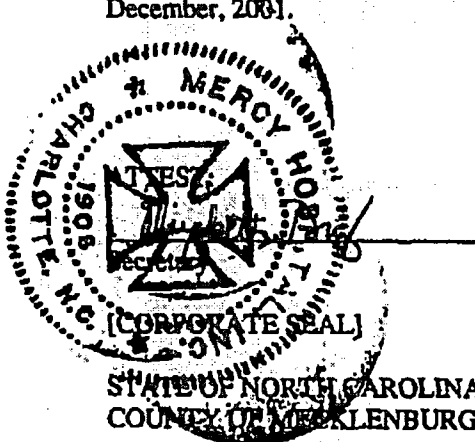
Carolinas Medical Center - Pineville

2. The name and address of the owner of such business is:

Mercy Hospital, Inc.
P. O. Box 32861
Charlotte, NC 28232-2861

FOR REGISTRATION JUDITH R. GIBSON
REGISTER OF DEEDS
MECKLENBURG COUNTY, NC
2002 JAN 23 09 55 AM
BOOK 13168 PAGE 732-733 FEE \$14.00
INSTRUMENT # 2002012647

IN WITNESS WHEREOF, the corporation has caused this certificate to be signed in its corporate name by its President and its corporate seal to be affixed and attested by its Secretary this 19th day of December, 2001.



MERCY HOSPITAL, INC.

By: *[Signature]*

Henry A. Nurkin, Ph.D., President

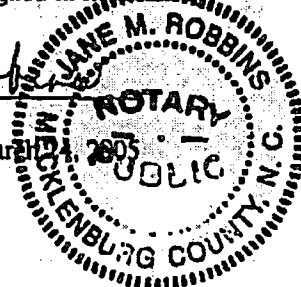
STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

I, Jane M. Robbins, a Notary Public, certify that Elizabeth Drury personally came before me this 19th day of December, 2001 and acknowledged that she is Secretary of Mercy Hospital, Inc., and that by authority duly given and as the act of the Corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal, and attested by herself as its Secretary.

[Signature]
Jane M. Robbins

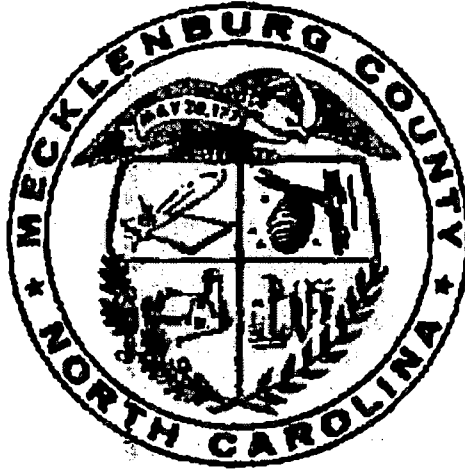
Notary Public

My Commission Expires: March 31, 2005



Drawn by and Return to: Elizabeth Drury
Legal Services, Carolinas HealthCare System
P.O. Box 32861, Charlotte, NC 28232-2861

3/24/05



JUDITH A. GIBSON
REGISTER OF DEEDS , MECKLENBURG COUNTY
COUNTY & COURTS OFFICE BUILDING
720 EAST FOURTH STREET
CHARLOTTE NC 28202

.....
Filed For Registration: 01/23/2002 09:55 AM
Book: RE 13166 Page: 732-733
Document No.: 2002012647
A/N 2 PGS \$14.00

Recorder: GRACE W TUCKER

.....
State of North Carolina; County of Mecklenburg

The foregoing certificate of JANE M ROBBINS Notary is certified to be correct. This 23 RD of January 2002

JUDITH A. GIBSON, REGISTER OF DEEDS By: Grace W Tucker
Deputy/Assistant Register of Deeds



2002012647

C201229300404

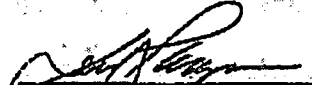
**ARTICLES OF RESTATEMENT
OF
MERCY HOSPITAL, INC.**

Pursuant to Section 55A-10-06 of the North Carolina General Statutes, the undersigned corporation hereby submits the following for the purpose of restating its Articles of Incorporation:

1. The name of the corporation is: Mercy Hospital, Inc.
2. Attached hereto as an exhibit are the Restated Articles of Incorporation.
3. The Restated Articles of Incorporation contain an amendment to the Articles of Incorporation, and such were adopted and approved by the sole member of the corporation in the manner prescribed by Chapter 55A of the North Carolina General Statutes.
4. The Restated Articles of Incorporation will be effective upon filing.

This the 15th day of October, 2012.

MERCY HOSPITAL, INC.


Dennis J. Phillips, President

**RESTATED ARTICLES OF INCORPORATION
OF
MERCY HOSPITAL, INC.**

1. The name of the corporation is **Mercy Hospital, Inc.**
2. The street address and county of the registered office of the corporation is **1111 Metropolitan Avenue, Suite 600, Charlotte, North Carolina 28204, Mecklenburg County.** The mailing address of the registered office is **P.O. Box 32861, Charlotte, North Carolina 28232-2861.** The name of the registered agent is **Keith A. Smith.**
3. The street address, mailing address and county of the principal office of the corporation is **1000 Blythe Boulevard, Charlotte, North Carolina 28203, Mecklenburg County.**
4. The purposes for which the corporation is organized are:
 - a. To act as an integral part and instrumentality of The Charlotte-Mecklenburg Hospital Authority (the "Authority"), a vertically integrated healthcare delivery system organized as a hospital authority under the North Carolina Hospital Authorities Act; and
 - b. To engage in any lawful act or activity permitted for a nonprofit corporation under the laws of North Carolina in furtherance of the purposes described in clause (a) above.
5. The sole member of the corporation shall be **Mercy Health Services, Inc.,** which is a wholly owned subsidiary of the Authority. The sole member shall have the rights described in the bylaws of the corporation, including the right to appoint the directors of the corporation and to remove the directors of the corporation at any time without cause. Only officers or employees of the Authority shall be appointed as directors of the corporation.
6. To the fullest extent permitted by the North Carolina Nonprofit Corporation Act as it exists or may hereafter be amended, no person who is serving or who has served as a director of the corporation shall be personally liable for monetary damages for breach of any duty as a director. No amendment or repeal of this article, nor the adoption of any other amendment to these Articles of Incorporation inconsistent with this article, shall eliminate or reduce the protection granted herein with respect to any matter that occurred prior to such amendment, repeal or adoption.
7. No part of the net earnings of the corporation shall inure to the benefit of any officer, director or other private person, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in these articles.
8. Upon dissolution of the corporation, after all liabilities and obligations of the corporation have been paid or adequate provision made therefor, the board of directors of the

corporation shall distribute all of the assets of the corporation to the Authority, which is a political subdivision of the State of North Carolina, or to any corporate entity controlled by the Authority whose income is exempt from taxation as an integral part of the Authority or under Section 115 of the Internal Revenue Code of 1986 or any successor section.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

S. Jackson Kimball, Special Circuit Court Judge

Appellate Case No. 2017-002407

RECEIVED
DEC 14 2017
SC Court of Appeals

TODD BULLMAN, as Personal
Representative of THE ESTATE
OF CAITLIN BULLMAN, Respondent,

v.

CHARLOTTE-
MECKLENBURG AUTHORITY
d/b/a CAROLINA PHYSICIAN
NETWORK, LLC d/b/a
PIEDMONT GYN OB, LLC, DR.
PRIYA B. PILLAI, MN, DR.
WILLIAM S. REVELL,
CHARLOTTE-
MECKLENBURG AUTHORITY
d/b/a CAROLINA MEDICAL
CENTER-PINEVILLE,
Appellants.

PROOF OF SERVICE

I certify that I have served the Return to Respondent's Motion to Dismiss by depositing a copy of it in the United States Mail, postage prepaid, on December 11, 2017, addressed to Respondent's attorneys of record at the following addresses:

Whitney B. Harrison, Esq.
McGowan, Hood & Felder, LLC
1517 Hampton Street
Columbia, SC 29201

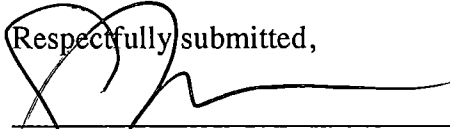
Robert V. Phillips, Esq.
McGowan, Hood & Felder, LLC
1539 Health Care Drive
Rock Hill, SC 29732
rphillips@mcgowanhood.com

Daniel W. Luginbill, Esq.
Wilson & Luginbill, LLC
P.O. Box 1150
Bamberg, SC 29003
dan@w-lawfirm.com

Attorneys for Respondent

December 11, 2017.

Respectfully submitted,



Scott S. Addison, SC State Bar #77373
Kevin L. Pratt, SC State Bar #100724
Lincoln Derr PLLC
4350 Congress Street, Suite 575
Charlotte, North Carolina 28209
Telephone: (704) 496-4500
Facsimile: (866) 393-6043
Email: scott.addison@lincolnderr.com
Email: kevin.pratt@lincolnderr.com
Attorneys for Appellants



LINCOLNDERR^{PLC}

4350 CONGRESS STREET · SUITE 575 · CHARLOTTE · NC 28209
OFFICE: 704.496.4500 · WWW.LINCOLNDERR.COM

KAREN TAHAN
Legal Assistant

DIRECT: 704-831-3524
FAX: 866-393-6043
KAREN.TAHAN@LINCOLNDERR.COM

December 11, 2017

VIA FEDERAL EXPRESS

Jenny Abbott Kitchings, Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

RECEIVED

DEC 14 2017

SC Court of Appeals

Re: *Bullman v. CMHA, et al.*
York County File No. 2017-CP-46-01096
South Carolina COA File No. 2017-002407

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of Appellants' Return to Respondent's Motion to Dismiss and Proof of Service in the above-referenced matter.

Kindly file the originals and return a file-stamped copy of each to me in the enclosed self-addressed stamped envelope. Please contact me should you have any questions. Thank you.

Sincerely,

Karen Tahan
Legal Assistant

Enclosures

cc: Whitney B. Harrison, Esq.
Robert V. Phillips, Esq.
Daniel W. Luginbill, Esq.
(w/enclosures)

12/11/17, 4:26 PM

ORIGIN ID:PNVA (704) 496-4500
TRICIA DERR
LINCOLN DERR PLLC
4350 CONGRESS STREET
SUITE 575
CHARLOTTE, NC 28209
UNITED STATES US

SHIP DATE: 11DEC17
ACTWGT: 4.00 LB
CAD: 101285585/INET3920

BILL SENDER

TO JENNY ABBOTT KITCHINGS, CLERK
SOUTH CAROLINA COURT OF APPEALS
1220 SENATE STREET

COLUMBIA SC 29201

(704) 831-3524

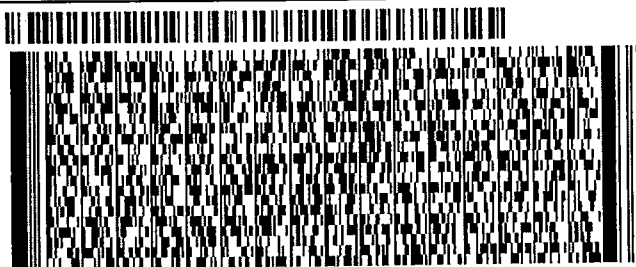
REF: BULLMAN V. CMHA

INV:

DEPT:

PO:

549.11574C/104C



FedEx Express



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WED - 13 DEC 4:30P

** 2DAY **

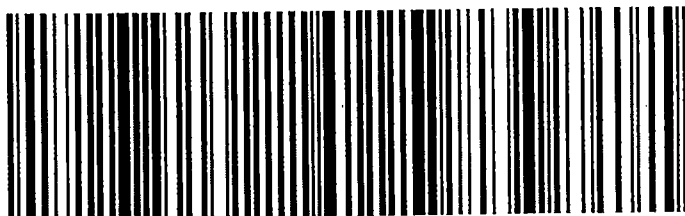
TRK# 7709 6190 6965

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SC-US CAE



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DEC 14 2017

SC Court of Appeals