

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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SC Court of Appeals

APPEAL FROM  
THE ADMINISTRATIVE LAW COURT

Shirley C. Robinson, Administrative Law Judge

Case No. 17-ALJ-07-0441-CC  
Case No. 17-ALJ-07-0444-CC  
Appellate Case No. 2020-001072

Trident Medical Center, LLC d/b/a Trident Medical  
Center and Summerville Medical Center,.....

Petitioner/  
Respondent,

v.

South Carolina Department of Health and Environmental  
Control and Medical University Hospital Authority d/b/a  
MUSC Health Emergency Services,.....

Respondents,

Of Whom, Medical University Hospital Authority d/b/a  
MUSC Health Emergency Services is

Appellant.

CareAlliance Health Services, d/b/a Roper St. Francis  
Healthcare, Roper Hospital, Inc., Bon Secours-St. Francis  
Xavier Hospital, Inc., Roper Mount Pleasant Hospital and  
Roper St. Francis Berkeley Hospital,.....

Petitioner/  
Respondent,

v.

South Carolina Department of Health and Environmental  
Control and Medical University Hospital Authority d/b/a  
MUSC Health Emergency Services,.....

Respondents,

Of Whom, Medical University Hospital Authority d/b/a  
MUSC Health Emergency Services is

Appellant.

APPELLANT'S DESIGNATION OF MATTER TO BE  
INCLUDED IN THE RECORD ON APPEAL

Pursuant to Rule 209 of the South Carolina Appellate Court Rules, Appellant Medical University Hospital Authority d/b/a MUSC Health Emergency Services designates the following material for inclusion in the record on appeal:

1. July 31, 2020 Notice of Appeal
2. July 6, 2020 Order Denying Motion to Alter or Amend
3. June 8, 2020 Motion to Alter or Amend
4. May 28, 2020 Order of Judgment
5. Transcript for trial heard July 22 – August 2, 2019
6. Joint Exhibit 1 for trial heard July 22 – August 2, 2019
7. Roper's Trial Exhibits 55-57 for trial heard July 22 – August 2, 2019
8. MUSC's Trial Exhibits 2; 3; 7-12; 35-42; 50-51; 60 p. 31; 60 p. 17 for trial heard July 22 – August 2, 2019

The undersigned counsel certifies, pursuant to Rule 209(c) of the South Carolina Appellate Court Rules, that this designation contains no matter which is irrelevant to the appeal.

*(signature page attached)*

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: /s Daniel J. Westbrook

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*Attorneys for Medical University Hospital Authority d/b/a  
MUSC Health Emergency Services*

Columbia, South Carolina

September 30, 2020

**CERTIFICATE OF SERVICE**

I, the undersigned, of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Medical University Hospital Authority d/b/a MUSC Health Emergency Services, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by electronic mail and United States Mail, postage prepaid, to the following address(es):

Pleadings:                   **APPELLANT’S DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL**

Served:

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/s Daniel J. Westbrook  
Daniel J. Westbrook

September 30, 2020

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**Via E-Mail and U.S. Mail**

The Honorable Jenny Abbott Kitchings  
 Clerk, South Carolina Court of Appeals  
 1220 Senate Street (29201)  
 P.O. Box 11629  
 Columbia, SC 29211

RE: CareAlliance Health Services, et al vs. South Carolina Department of Health and Environmental Control and Medical University Hospital Authority, d/b/a MUSC Health Emergency Services  
 Docket No. 17-ALJ-07-0444-CC

Trident Medical Center, LLC, et al vs. South Carolina Department of Health and Environmental Control and Medical University Hospital Authority, d/b/a MUSC Health Emergency Services  
 Docket No. 17-ALJ-07-0441  
 Our File No. 019243/01525

Dear Ms. Kitchings:

Enclosed for filing is Appellant's Medical University Hospital Authority d/b/a MUSC Health Emergency Services' Initial Brief and Designation of Matter for Record on Appeal in the above-referenced cases. We are submitting the filing via email and U.S. Mail.

By copy of this letter and pursuant to the Court's standing order regarding operation of the appellate courts during the coronavirus emergency, we hereby serve all counsel via email and U.S. Mail.

Very truly yours,

*/s Daniel J. Westbrook*

Daniel J. Westbrook

DJW:kh  
 Enclosures

September 30, 2020  
Page 2

cc: David B. Summer, Esq.  
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Roper Hospital, Inc., Bon Secours-St. Francis Xavier Hospital, Inc. Roper Mount  
Pleasant Hospital and Roper St. Francis Berkeley Hospital

## Katie Hallmark

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**From:** Katie Hallmark  
**Sent:** Wednesday, September 30, 2020 4:08 PM  
**To:** Court Of Appeals Filings  
**Cc:** Summer, David B., Jr.; Thomas, William R.; Flanary-Smith, Amy S.; 'Quillen, Colleen C.'; biggerac@dhec.sc.gov; 'Wicevic, Vito'; 'DeCarlis, Rita'; Hollingsworth, Jennifer J.; svlipham@nexsenpruet.com; lsmith@nexsenpruet.com; Dan Westbrook; Travis Dayhuff; Tammie Pope  
**Subject:** Emailing on behalf of Dan Westbrook regarding MUSC's Initial Brief and Designation of Matter for Record on Appeal (Appellate Case No. 2020-001072)  
**Attachments:** 2020.09.30 - Ltr to The Honorable Jenny Abbott Kitchings filing Initial Brief and Designation of Matter for Record on Appeal.pdf; 2020.09.30 MUSC Initial Brief.pdf; 2020.09.30 Appellant's Designation of Matter for Record on Appeal.pdf

Good afternoon,

We attach for filing in the above-referenced matter the Initial Brief of Appellant and Appellant's Designation of Matter for Record on Appeal. Per the Court's standing order during the coronavirus, we are copying counsel and will mail a hard copy to the Court and all counsel, including a copy of this email.

Please let us know if you have any questions or issues.

Thank you,

 **NELSON MULLINS**

---

KATIE HALLMARK ADMINISTRATIVE ASSISTANT

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