

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT
The Honorable 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

RECEIVED
NOV 30 2020
SC Court of Appeals
Petitioner/Respondent,

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

v.

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

Respondents,

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

Appellant.

AND

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

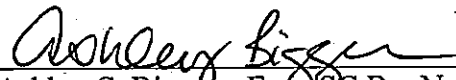
Appellant.

**SECOND MOTION FOR EXTENSION OF TIME TO FILE AND SERVE
RESPONDENT SOUTH CAROLINA DEPARTMENT OF HEALTH AND
ENVIRONMENTAL CONTROL'S INITIAL BRIEF AND DESIGNATION OF
MATTER ON APPEAL**

Respondent South Carolina Department of Health and Environmental Control (“DHEC”), pursuant to Rules 208(a)(1), 209, 240 and 263(b), SCACR, respectfully requests an extension of time in which to file its Initial Brief and Designation of Matter to be included in the Record on Appeal. Due to current workload, including obligations in the SC Administrative Law Court, and the upcoming holidays, Counsel for the Respondent hereby requests this second extension. The Respondent’s initial brief and designation of matter is currently due on November 30, 2020; accordingly, DHEC requests that the deadline for filing be extended to and through Friday, December 11, 2020.

DHEC has consulted with all parties of record and has obtained consent from all parties to the relief requested in this Motion.

Respectfully submitted,



Ashley C. Biggers, Esq., SC Bar No. 17225
Vito M. Wicevic, Esq., SC Bar No. 100505
South Carolina Department of Health and
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November 19, 2020
Columbia, South Carolina

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

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT
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Of Which, Medical University Hospital Authority d/b/a MUSC Health
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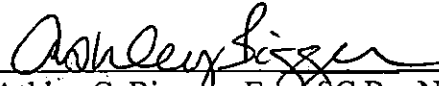
PROOF OF SERVICE

The undersigned hereby certifies that on November 19, 2020, copies of the *SECOND MOTION FOR EXTENSION OF TIME TO FILE AND SERVE RESPONDENT SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL'S INITIAL BRIEF AND DESIGNATION OF MATTER ON APPEAL* were served on all counsel of record via electronic mail containing the above-referenced document to each counsel's individual AIS email address pursuant to SC Supreme Court COVID Order 2020-05-29-02 as follows:

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*Attorneys for South Carolina Department of
Health and Environmental Control*

November 19, 2020

RE: Appellate Case No. 2020-001072 - 2nd Motion for Extension of Time to File Respondent's Initial Brief and DOM

Court Of Appeals Filings <ctappfilings@sccourts.org>

Fri 11/20/2020 9:14 AM

To: Biggers, Ashley <biggerac@dhec.sc.gov>; Court Of Appeals Filings <ctappfilings@sccourts.org>
Cc: dan.westbrook@nelsonmullins.com <dan.westbrook@nelsonmullins.com>; Travis Dayhuff <travis.dayhuff@nelsonmullins.com>; David Summer <davidsummer@parkerpoe.com>; willthomas@parkerpoe.com <willthomas@parkerpoe.com>; Flanary-Smith, Amy S. <amyflanarysmith@parkerpoe.com>; jhollingsworth@nexsenpruet.com <JHollingsworth@nexsenpruet.com>; Lipham, Shannon V. <SVLipham@nexsenpruet.com>; Wicevic, Vito <wicevivo@dhec.sc.gov>; DeCarlis, Rita <decarlrd@dhec.sc.gov>; Tammie Pope <tammie.pope@nelsonmullins.com>; Caroline Warner <caroline.warner@nelsonmullins.com>; colleenquillen@parkerpoe.com <colleenquillen@parkerpoe.com>; Beard, Tina M. <tinabeard@parkerpoe.com>; Smith, Laura L. <LSmith@nexsenpruet.com>

📎 1 attachments (324 KB)

Trident v. SCDHEC - Ext (2).pdf;

*** Caution. This is an EXTERNAL email. DO NOT open attachments or click links from unknown senders or unexpected email. ***

Dear Counsel:

The Court has received your filing. A stamped copy is attached for your records.

Thank you.

From: Biggers, Ashley [mailto:biggerac@dhec.sc.gov]
Sent: Thursday, November 19, 2020 5:44 PM
To: Court Of Appeals Filings <ctappfilings@sccourts.org>
Cc: dan.westbrook@nelsonmullins.com; Travis Dayhuff <travis.dayhuff@nelsonmullins.com>; David Summer <davidsummer@parkerpoe.com>; willthomas@parkerpoe.com; Flanary-Smith, Amy S. <amyflanarysmith@parkerpoe.com>; jhollingsworth@nexsenpruet.com; Lipham, Shannon V. <SVLipham@nexsenpruet.com>; Wicevic, Vito <wicevivo@dhec.sc.gov>; DeCarlis, Rita <decarlrd@dhec.sc.gov>; Tammie Pope <tammie.pope@nelsonmullins.com>; Caroline Warner <caroline.warner@nelsonmullins.com>; colleenquillen@parkerpoe.com; Beard, Tina M. <tinabeard@parkerpoe.com>; Smith, Laura L. <LSmith@nexsenpruet.com>
Subject: Appellate Case No. 2020-001072 - 2nd Motion for Extension of Time to File Respondent's Initial Brief and DOM

Ms. Kitchings,

In connection with the above-referenced matter, attached for filing please find the Second Motion for Extension of Time to File and Serve Respondent South Carolina Department of Health and Environmental Control's Initial Brief and Designation of Matter and Proof of Service.

A copy of the same is being served on counsel of record for all parties via email.

Thank you.

Ashley C. Biggers
Chief Counsel for Healthcare Quality
S.C. Dept. of Health & Environmental Control
Office: (803) 898-3362

Mobile: (803) 354-2928

Connect: www.scdhec.gov [Facebook](#) [Twitter](#)

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November 19, 2020

**VIA EMAIL @ CTAPPFILINGS@SCCOURTS.ORG**

The Honorable Jenny Abbott Kitchings  
Clerk of Court, SC Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

Re: Appellate Case No.: 2020-001072

Trident Medical Center, LLC, d/b/a Trident Medical Center and Summerville Medical Center v. South Carolina Department of Health and Environmental Control and Medical University Hospital Authority, d/b/a MUSC Health Emergency Services  
AND

CareAlliance Health Services, d/b/a Roper St. Francis Healthcare, Roper Hospital, Inc., Bon Scours-St.Francis Xavier Hospital, Inc., Roper Mount Pleasant Hospital and Roper St. Francis Berkeley Hospital v. South Carolina Department of Health and Environmental Control and Medical University Hospital Authority, d/b/a MUSC Health Emergency Services

Dear Ms. Kitchings:

Enclosed for filing please find the **Second Motion for Extension of Time to File and Serve Respondent South Carolina Department of Health and Environmental Control's Initial Brief and Designation of Matter on Appeal** and **Proof of Service**. By copy of this letter and as evidenced by the Proof of Service, we are providing a copy of the same to all counsel of record. Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

Ashley C. Biggers  
Enclosures

cc: Daniel J. Westbrook  
Travis Dayhuff  
David B. Summer, Jr.  
William R. Thomas  
Amy S. Flanary-Smith  
Jennifer J. Hollingsworth  
Shannon V. Lipham

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The Honorable Jenny Abbott Kitchings  
Clerk of Court, SC Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

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