

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

Dec 11 2020

SC Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT
The Honorable Shirley C. Robinson, Administrative Law Judge

APPELLATE CASE No.: 2020-001072

ADMINISTRATIVE LAW COURT CASE NO.: 17-ALJ-07-0441-CC
ADMINISTRATIVE LAW COURT CASE NO.: 17-ALJ-07-0444-CC

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

**RESPONDENT TRIDENT MEDICAL CENTER, LLC'S DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL**

Respondent Trident Medical Center, LLC proposes that the following be included in the Record on Appeal:

1. July 6, 2020 Order Denying Motion to Alter or Amend.
2. May 28, 2020 Order of Judgment.
3. April 11, 2019 Order Denying Summary Judgment.
4. July 31, 2020 Notice of Appeal.
5. June 8, 2020 Motion to Alter or Amend.
6. July 30, 2019 Trident Medical Center, LLC's Memorandum Regarding Joint Defense Agreement.
7. June 3, 2019 MUSC's Motion for Protective Order and Motion to Seal regarding Intuitive Subpoena.
8. Trial Transcript heard July 22–August 2, 2019.
9. July 18, 2019 Rule 30(b)(6) Deposition Transcript of Thomas Matthew Herrmann as Corporate Representative of Intuitive Health along with deposition transcript Exhibits 1-71.
10. Joint Exhibit 1 from trial heard July 22–August 2, 2019.
11. Roper's Trial Exhibits 6, 55-57, 59, and 63 from trial heard July 22–August 2, 2019.
12. MUSC's Trial Exhibits 2, 3, 7-12, 33, 35-42, 44, 50-51, and 60 (pp. 17, 30-31) from trial heard July 22–August 2, 2019.
13. Trident's Trial Exhibits 3, 20, 47, 62, 65, 67, 68, 76, 101, and 102.

The undersigned hereby certifies pursuant to Rule 209(c), SCACR that Respondent Trident Medical Center, LLC's Designation of Matter to be Included in the Record on Appeal contains no matter irrelevant to the appeal.

[SIGNATURE PAGE FOLLOWS]

Respectfully submitted,

s/David B. Summer, Jr.

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December 11, 2020
Columbia, South Carolina

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MUSC Health Emergency Services is the.....Appellant.

PROOF OF SERVICE

The undersigned hereby certifies that on December 11, 2020, a copy of *Respondent Trident Medical Center, LLC's Designation of Matter to be Included in the Record on Appeal* was 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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December 11, 2020

VIA EMAIL @ CTAPPFILINGS@SCCOURTS.ORG

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

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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 Secours-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 in connection with the above, please find Respondent Trident Medical Center, LLC's Initial Brief, Designation of Matter to be Included in the Record on Appeal, and Proofs of Service.

By copy of this letter and pursuant to the Court's standing Order, we are serving copies of the same on all counsel of record via email.

Sincerely,

s/David B. Summer

David B. Summer, Jr.

Enclosures

cc: Ashley C. Biggers, Esquire (w/encl. via email)
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Daniel J. Westbrook, Esquire (w/encl. via email)
Travis Dayhuff, Esquire (w/encl. via email)
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