

**RECEIVED**

JAN 08 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Ralph King Anderson, III, Chief Administrative Law Judge

---

Appellate Case No. 2020-001610  
Case No. 20-ALJ-07-0107-CC

---

Lexington County Health Services District, Inc., d/b/a  
Lexington Medical Center, ..... Petitioner/Respondent,

v.

South Carolina Department of Health and Environmental  
Control, Prisma Health-Midlands, Providence Hospital, LLC  
d/b/a Providence Health, Providence Health Northeast,  
Providence Health Fairfield, and Kershaw Hospital, LLC d/b/a  
Kershaw Health Medical Center, ..... Respondents,

OF WHICH Prisma Health-Midlands is the ..... Appellant/Respondent,

AND  
Providence Hospital, LLC d/b/a Providence Health, Providence Health  
Northeast, Providence Health Fairfield, and Kershaw Hospital, LLC  
d/b/a Kershaw Health Medical Center are ..... Respondent/Appellants.

---

**APPELLANT/RESPONDENT'S DESIGNATION OF MATTER  
TO BE INCLUDED IN RECORD ON APPEAL**

---

Appellant/Respondent proposes the following matters be included in the Record on Appeal:

Order for Prehearing Statements, dated June 22, 2020

Order Denying Cross-Motions for Summary Judgment, dated November 2, 2020

Order on Motion to Clarify and Motions to Reconsider, dated December 7, 2020

Prisma-Health Midland's Prehearing Statement, dated July 13, 2020  
Exhibit 1, February 28, 2020 Decision  
Exhibit 2, May 1997 COPA  
Exhibit 4, 1997 Decision  
Exhibit 5, November 18, 2003 Letter from Joel Grice

Petitioner's Prehearing Statement, dated July 13, 2020  
Exhibit A, Application for Certificate of Public Advantage

South Carolina Department of Health and Environmental Control's Prehearing Statement,  
dated July 13, 2020

Prisma-Health Midland's Amended Prehearing Statement, dated July 14, 2020

Prisma Health-Midland's Motion for Summary Judgment and  
Memorandum in Support, dated August 28, 2020  
Exhibit 6, December 17 Letter from Joel C. Grice  
Exhibit 8, October 11, 2017 Memo  
Exhibit 9, Affidavit of Malcolm Isley, dated July 6, 2020  
Exhibit 11, Letter dated February 20, 2020 from W. Marshall Taylor  
Exhibit 12, Letter dated February 25, 2020 from Robert Cook

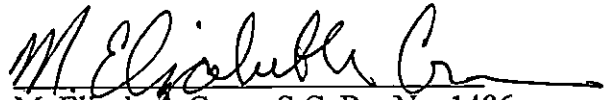
Petitioner's Response in Opposition to Motion for Summary Judgment  
and Notice of Motion and Cross-Motion for Summary Judgment,  
dated September 14, 2020

South Carolina Department of Health and Environmental Control's Response  
in Support of Prisma Health-Midlands' Motion for Summary  
Judgment, dated September 15, 2020

Prisma Health-Midlands' Motions to Clarify and to Reconsider with exhibits,  
dated November 12, 2020

Lifepoint Respondents Motion to Alter or Amend (Reconsider) Order  
Denying Cross-Motions for Summary Judgment, dated  
November 12, 2020

I certify that this designation contains no matter which is irrelevant to this appeal.



M. Elizabeth Crum, S.C. Bar No. 1486

lcrum@burr.com

Celeste T. Jones, S.C. Bar No. 3713

ctjones@burr.com

Pamela A. Baker, S.C. Bar No. 69413

Burr & Forman, LLP

Post Office Box 11390

Columbia, South Carolina 29211

(803) 799-9800

*Attorneys for Appellant/Respondent*

January 8, 2021  
Columbia, South Carolina

**RECEIVED**

JAN 08 2021

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Ralph King Anderson, III, Chief Administrative Law Judge

Appellate Case No. 2020-001610  
Case No. 20-ALJ-07-0107-CC

Lexington County Health Services District, Inc., d/b/a  
Lexington Medical Center, ..... Petitioner/Respondent,

v.

South Carolina Department of Health and Environmental  
Control, Prisma Health-Midlands, Providence Hospital, LLC  
d/b/a Providence Health, Providence Health Northeast,  
Providence Health Fairfield, and Kershaw Hospital, LLC d/b/a  
Kershaw Health Medical Center, ..... Respondents,

OF WHICH Prisma Health-Midlands is the ..... Appellant/Respondent,

AND  
Providence Hospital, LLC d/b/a Providence Health, Providence Health  
Northeast, Providence Health Fairfield, and Kershaw Hospital, LLC  
d/b/a Kershaw Health Medical Center are ..... Respondents/Appellants.

**CERTIFICATE OF SERVICE**

I, Donna O’Daniel, an employee of Burr & Forman LLP, hereby certifies that a true and correct copy of the **Appellant/Respondent Prisma Health-Midland’s Designation of Matter to be Included in Record on Appeal** was served upon counsel for the Respondents in the above-captioned matter, via email at the email addresses listed below, and by causing a copy of same to be deposited in the United States Mail, first class postage prepaid, this the 8th day of January, 2021, addressed as follows:

Kelly M. Jolley  
[kjolley@jolleylawgroup.com](mailto:kjolley@jolleylawgroup.com)  
Ariail Kirk  
[akirk@jolleylawgroup.com](mailto:akirk@jolleylawgroup.com)  
Jolley Law Group, LLC  
1201 Main Street, Suite 1100  
Columbia, SC 29201

- and -

Jennifer J. Hollingsworth  
[jhollingsworth@nexsenpruet.com](mailto:jhollingsworth@nexsenpruet.com)  
Shannon V. Lipham  
[Svlipham@nexsenpruet.com](mailto:Svlipham@nexsenpruet.com)  
Nexsen Pruet, LLC  
1230 Main Street, Suite 700  
Columbia, SC 29201

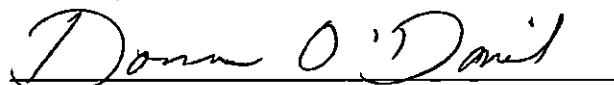
***Counsel for Respondent Lexington County Health Services District Inc., d/b/a Lexington Medical Center***

Ashely C. Biggers  
[biggerac@dhec.sc.gov](mailto:biggerac@dhec.sc.gov)  
Vito M. Wicevic  
[wicevism@dhec.sc.gov](mailto:wicevism@dhec.sc.gov)  
SC Dept of Health and Environmental Control  
2600 Bull Street  
Columbia, SC 29201

***Counsel for Respondent SC Dep't Health and Environmental Control***

David B. Summer, Jr.  
[davidsummer@parkerpoe.com](mailto:davidsummer@parkerpoe.com)  
Faye A. Flowers  
[fayeflowers@parkerpoe.com](mailto:fayeflowers@parkerpoe.com)  
Parker Poe Adams & Bernstein, LLP  
1221 Main Street, Suite 1100  
Columbia, SC 29201

***Counsel for Respondent-Appellants Providence Hospital, LLC and Kershaw Hospital, LLC  
d/b/a Kershaw Health Medical Center***

  
\_\_\_\_\_  
Donna O'Daniel

Dated: January 8, 2021  
Columbia, SC

BURR • FORMAN MCNAIR

RECEIVED

JAN 08 2021

SC Court of Appeals

M. Elizabeth Crum  
lcrum@burr.com  
Direct Dial: (803) 753-3240  
Direct Fax: (803) 933-1484

Burr & Forman LLP  
1221 Main Street  
Suite 1800  
Columbia, SC 29201

Mailing Address:  
Post Office Box 11390  
Columbia, SC 29211

---

Office 803.799.9800  
Fax 803.753.3278

BURR.COM

January 8, 2021

**Via Hand Delivery and Email (ctappfilings@sccourts.org)**

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


**Re: Lexington County Health v. SCDHEC, et al.  
Appellate Case No. 2020-001610**

Dear Ms. Kitchings:

On behalf of Prisma Health-Midlands, enclosed for filing with the Court is the original and one copy of Appellant/Respondent Prisma Health-Midlands' Initial Brief and Designation of Matter to be included in Record on Appeal. Pursuant to the Proofs of Service, and by copy of this letter, as well as by electronic mail, copies of the aforementioned documents were served on all counsel of record.

Please provide a filed copy of the above-stated documents in the enclosed self-addressed stamped envelope.

Very truly yours,

  
M. Elizabeth Crum

MEC/dmo

Enclosure

AL • DE • FL • GA • MS • NC • SC • TN

cc: **All w/enclosure**  
Kelly M. Jolley, Esq. *(via email and U.S. Mail)*  
Ariail B. Kirk, Esq. *(via email and U.S. Mail)*  
Jennifer J. Hollingsworth, Esq. *(via email and Hand Delivery)*  
Shannon V. Lipham, Esq. *(via email and Hand Delivery)*  
Vito W. Wicevic, Esq. *(via email)*  
Ashley C. Biggers, Esq. *(via email)*  
Meredith W. Sella, Esq. *(via email)*  
David B. Summer, Jr., Esq. *(via email and Hand Delivery)*  
Faye A. Flowers, Esq. *(via email and Hand Delivery)*  
Pamela A. Baker, Esq. *(via email)*  
Celeste T. Jones, Esq. *(via email)*

JAN 08 2021  
SC Court of Appeals

First Class Mail

**BURR  
FORMAN  
MCNAIR**

Burr & Forman LLP  
Post Office Box 11390  
Columbia, SC 29211  
Burr.com

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

VIA HAND DELIVERY

(M. Elizabeth Crum, Esq.)

RECEIVED  
JAN 9 2021  
SC Court of Appeals

First Class Mail

**RECEIVED**

JAN 08 2021

SC Court of Appeals