



THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPELLATE CASE NO. 2020-001610

APPEAL FROM THE ADMINISTRATIVE LAW COURT

The Honorable Ralph King Anderson, III
Chief Administrative Law Judge

Case No: 20-ALJ-07-0108-CC

Lexington County Health Services
District Inc., d/b/a Lexington Medical CenterPetitioner/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 the
Respondents-Appellants.

**RESPONDENTS-APPELLANTS' DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL**

Respondents-Appellants 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 propose that the following be included in the Record on Appeal:

1. Order for Prehearing Statements, filed June 22, 2020;
2. Order Denying Cross-Motions for Summary Judgment, filed November 2, 2020;
3. Order on Motion to Clarify and Motions to Reconsider, filed December 7, 2020;
4. Prisma-Health Midland's Prehearing Statement, dated July 13, 2020, including
Exhibit 1, February 28, 2020 Decision
Exhibit 2, October 6, 1997 COPA
Exhibit 4, May 1997 Decision
Exhibit 5, November 18, 2003 Letter from Joel Grice;
5. Petitioner's Prehearing Statement, dated July 13, 2020, including Exhibit A,
Application for Certificate of Public Advantage;
6. South Carolina Department of Health and Environmental Control's Prehearing
Statement, dated July 13, 2020;
7. Prisma-Health Midland's Amended Prehearing Statement, dated July 14, 2020;
8. Prisma Health-Midland's Motion for Summary Judgment and Memorandum in
Support, dated August 28, 2020, including
Exhibit 6, December 17, 2002 Letter from Joel C. Grice
Exhibit 8, October 11, 2017 Memorandum
Exhibit 9, Affidavit of Malcolm Isley, dated July 6, 2020 (with attachments)
Exhibit 11, Letter dated February 20, 2020 from W. Marshall Taylor, Jr., Esq.
Exhibit 12, Letter dated February 25, 2020 from Robert Cook, Esq.;
9. Petitioner's Response in Opposition to Motion for Summary Judgment and
Notice of Motion and Cross-Motion for Summary Judgment, dated September
14, 2020;
10. South Carolina Department of Health and Environmental Control's Response
in Support of Prisma Health-Midlands' Motion for Summary Judgment, dated
September 15, 2020;
11. Prisma Health-Midlands' Motions to Clarify and to Reconsider with exhibits,
dated November 12, 2020; and
12. LifePoint Respondents Motion to Alter or Amend (Reconsider) Order Denying
Cross-Motions for Summary Judgment, dated November 12, 2020.

The undersigned hereby certifies pursuant to Rule 209(c), SCACR, that the Respondents-Appellants' Designation of Matter to be included in the Record on Appeal contains no matter irrelevant to the appeal.

s/David B. Summer, Jr.

David B. Summer, Jr. (SC Bar #7974)

Faye A. Flowers (SC Bar #2043)

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Providence Hospital, LLC d/b/a Providence Health,

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January 19, 2021

Columbia, South Carolina

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APPELLATE CASE No. 2020-001610

RECEIVED
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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 the
Respondents-Appellants.

PROOF OF SERVICE

The undersigned hereby certifies that on January 19, 2020 he caused a copy of the foregoing the **RESPONDENTS-APPELLANTS' DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL** to be served upon all counsel of record via electronic mail to each counsel's individual AIS email address pursuant to SC Supreme Court COVID Order 2020-05-29-02 addressed as follows:

VIA E-MAIL

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January 19, 2021

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

RECEIVED
Jan 19 2021
SC Court of Appeals

Re: Appellate Case No: 2020-001610

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

Dear Ms. Kitchings:

Enclosed for filing in connection with the above-referenced matter, please find **Respondents-Appellants' Initial Brief, Designation of Matter and Proofs of Service.**

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

With best regards, I am

Sincerely,

s/David B. Summer, Jr.

David B. Summer, Jr.

Attachments

cc: Kelly M. Jolley, Esq. (*via email*)
Ariail B. Kirk, Esq. (*via email*)
Jennifer J. Hollingsworth, Esq. (*via email*)
Shannon V. Lipham, Esq. (*via email*)
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