

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

H.W. Funderburk, Jr., Administrative Law Court Judge

Case No. 2021-000617

MRI at Belfair, LLC, d/b/a 3T MRI at Belfair, Appellant,

v.

South Carolina Department of Health
and Environmental Control and
Beaufort Memorial Hospital, Respondents.

**APPELLANT’S DESIGNATION OF MATTERS TO BE INCLUDED IN THE RECORD
ON APPEAL**

Appellant MRI at Belfair, LLC, d/b/a 3T MRI at Belfair (“Belfair”) designates the following documents to be included in the Record on Appeal:

1. September 9, 2020 Belfair’s Request for Contested Case Hearing;
2. September 24, 2020 Notice of Re-Assignment to the Honorable H.W. Funderburk, Jr., Administrative Law Judge;
3. Belfair’s Prehearing Statement filed October 28, 2020;
4. Beaufort Memorial Hospital’s Prehearing Statement filed October 28, 2020;
5. South Carolina Department of Health and Environmental Control’s Prehearing Statement filed October 28, 2020;
6. Scheduling Order dated November 5, 2020;

7. Beaufort Memorial Hospital's Motion to Dismiss and Motion to Stay filed January 8, 2021;
8. Belfair's Expert Witness Disclosures served on January 15, 2021;
9. Belfair's Response in Opposition to Beaufort Memorial Hospital's Motion to Dismiss and all Exhibits thereto filed January 22, 2021;
10. South Carolina Department of Health and Environmental Control's Response to Beaufort Memorial's Motion to Dismiss and all Exhibits thereto filed January 25, 2021;
11. Beaufort Memorial Hospital's Naming of Expert Witness served January 29, 2021
12. Amended Scheduling Order entered February 2, 2021;
13. Beaufort Memorial Hospital's Reply Memorandum in Support of Motion to Dismiss and Motion to Stay filed February 8, 2021;
14. Transcript of Motion Hearing on Tuesday, March 16, 2021 at 11:00 a.m. in front of the Honorable H.W. Funderburk, Jr., Administrative Law Judge;
15. Order Granting Motion to Dismiss entered March 30, 2021;
16. Belfair's Motion to Alter or Amend the Order Granting Judgment in Favor of Respondents filed April 9, 2021;
17. Beaufort Memorial Hospital's Memorandum in Opposition to Petitioner's Motion to Alter or Amend filed April 19, 2021;
18. South Carolina Department of Health and Environmental Control's Response to Belfair's Motion to Alter or Amend filed on April 19, 2021;
19. Belfair's Motion for Leave to File a Reply to Respondent Beaufort Memorial Hospital's Memorandum in Opposition to Petitioner's Motion to Alter or Amend and all Exhibits thereto filed April 21, 2021;

20. Beaufort Memorial Hospital's Memorandum in Opposition to Petitioner's Motion for Leave to File a Reply filed on April 22, 2021; and
21. Order Granting in Part and Denying in Part Petitioner's Motion to Alter or Amend and Granting Respondent's Motion to Dismiss entered on May 14, 2021;
22. Belfair's Notice of Appeal filed on June 11, 2021.

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

Dated: September 7, 2021

GORDON & REES LLP

By s/Henry W. Frampton, IV
Henry W. Frampton, IV (75314)
E-mail: hframpton@grsm.com
A. Victor Rawl, Jr. (09261)
E-mail: vrawl@grsm.com
Victoria T. Kepes (102536)
E-mail: vkepes@grsm.com
40 Calhoun Street, Suite 350
Charleston, SC 29401
Telephone: 843.278.5900
*Attorneys for Appellant MRI at Belfair,
LLC, d/b/a 3T MRI at Belfair*

RECEIVED

Sep 07 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

H.W. Funderburk, Jr., Administrative Law Court Judge

Docket No. 20-ALJ-07-0235-CC

MRI at Belfair, LLC, d/b/a 3T MRI at Belfair, Appellant,

v.

South Carolina Department of Health
and Environmental Control and
Beaufort Memorial Hospital, Respondents.

PROOF OF SERVICE

I certify that I have served the Appellants Designation of Matters to be Included in the Record on Appeal on the South Carolina Administrative Law Court and Respondents South Carolina Department of Health and Environmental Control and Beaufort Memorial Hospital, via E-mail, upon their respective attorneys of record as properly addressed below this 7th day of September, 2021:

Ashley C. Biggers, Esq.
Vito M. Wicevic, Esq.
Meredith W. Sella, Esq.
SC DHEC - Office of General Counsel
2600 Bull Street
Columbia, SC 29201
biggerac@dhec.sc.gov
wicevism@dhec.sc.gov
sellamw@dhec.sc.gov
*Attorneys for South Carolina Department
of Health and Environmental Control*

Trudy H. Robertson, Esq.
Donald Bancroft Meyer, Esq.
Moore & Van Allen PLLC
78 Wentworth Street
P.O. Box 22828
Charleston, SC 29413-2828
trudyrobertson@mvalaw.com
donmeyer@mvalaw.com
Attorneys for Beaufort Memorial Hospital

Dated: September 7, 2021

GORDON & REES LLP

By s/Henry W. Frampton, IV
Henry W. Frampton, IV (75314)
E-mail: hframpton@grsm.com
A. Victor Rawl, Jr. (09261)
E-mail: vrawl@grsm.com
Victoria T. Kepes (102536)
E-mail: vkepes@grsm.com
40 Calhoun Street, Suite 350
Charleston, SC 29401
Telephone: 843.278.5900
*Attorneys for Appellant MRI at Belfair, LLC, d/b/a
3T MRI at Belfair*

HENRY W. FRAMPTON, IV
HFRAMPTON@GRSM.COM
DIRECT DIAL: (843) 714-2503

GORDON & REES
SCULLY MANSUKHANI
YOUR 50 STATE PARTNER™

ATTORNEYS AT LAW
40 CALHOUN STREET, SUITE 350
CHARLESTON, SC 29401
WWW.GRSM.COM

September 7, 2021

VIA E-MAIL

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201
ctappfilings@sccourts.org

RECEIVED

Sep 07 2021

SC Court of Appeals

Re: *MRI at Belfair, LLC, d/b/a 3T MRI at Belfair v. South Carolina Department of Health and Environmental Control and Beaufort Memorial Hospital*
Case No.: 2021-000617

Dear Ms. Kitchings:

Please find enclosed for filing, Appellant's Initial Brief with Proof of Service and Appellants Designation of Matters to be Included in the Record on Appeal with Proof of Service. Please file all and forward a file-stamped copy for our records. We appreciate your assistance in this matter and please do not hesitate to contact me should you need anything further.

With kind regards, I am,

Very truly yours,

GORDON REES SCULLY MANSUKHANI, LLP



Henry W. Frampton, IV

HWF/sas
Enclosures

cc (via E-mail): Trudy H. Robertson, Esq.
Donald Bancroft Meyer, Esq.
Ashley C. Biggers, Esq.
Vito M. Wicevic, Esq.
Meredith W. Sella, Esq.