

RECEIVED

Nov 22 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

Appellate 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.

**RESPONDENT BEAUFORT MEMORIAL HOSPITAL'S
DESIGNATION OF MATTER TO BE INCLUDED
IN THE RECORD ON APPEAL**

Respondent Beaufort Memorial Hospital designates the following to be included in the
Record on Appeal:

1. Petitioner's Prehearing Statement, dated October 28, 2020.
2. South Carolina Department of Health and Environmental Control's Prehearing Statement, dated October 28, 2020.
3. Beaufort Memorial Hospital's Prehearing Statement, dated October 28, 2020.
4. Beaufort Memorial Hospital's Motion to Dismiss and Motion to Stay, dated January 8, 2021.

5. Petitioner's Response in Opposition to Beaufort Memorial Hospital's Motion to Dismiss with all attached exhibits, dated January 22, 2021.
6. South Carolina Department of Health and Environmental Control's Response to Beaufort Memorial Hospital's Motion to Dismiss, with all attached Exhibits, dated January 25, 2021.
7. Beaufort Memorial Hospital's Reply Memorandum in Support of Motion to Dismiss and Motion to Stay, dated February 8, 2021.
8. March 16, 2021 Hearing Transcript on Beaufort Memorial Hospital's Motion to Dismiss.
9. Order Granting Motion to Dismiss, filed March 30, 2021.
10. Petitioner's Motion to Alter or Amend the Order Granting Judgment in Favor of Respondents, dated April 9, 2021.
11. South Carolina Department of Health and Environmental Control's Response to Belfair's Motion to Alter or Amend, dated April 19, 2021.
12. Beaufort Memorial Hospital's Memorandum in Opposition to Petitioner's Motion to Alter or Amend, dated April 19, 2021.
13. Petitioner's Motion for Leave to File a Reply to Beaufort Memorial Hospital's Opposition to Petitioner's Motion to Alter or Amend, dated April 21, 2021.
14. Beaufort Memorial Hospital's Memorandum in Opposition to Petitioner's Motion for Leave to File a Reply, dated April 22, 2021.
15. Order Granting in Part and Denying in Part Petitioner's Motion to Alter or Amend and Granting Respondent's Motion to Dismiss, filed May 14, 2021.

Respondent Beaufort Memorial Hospital certifies that this designation contains no matter which is irrelevant to this appeal.

s/Trudy H. Robertson

Trudy H. Robertson (S.C. Bar No. 64856)

E. Brandon Gaskins (S.C. Bar No. 73274)

Moore & Van Allen PLLC

78 Wentworth Street

Charleston, SC 29401

Telephone: (843) 579-7000

Facsimile: (843) 579-7099

trudyrobertson@mvalaw.com

brandongaskins@mvalaw.com

Attorneys for Respondent

Beaufort Memorial Hospital

November 22, 2021

Charleston, South Carolina

RECEIVED

Nov 22 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

Appellate 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.

PROOF OF SERVICE

This is to certify that I have this day served counsel for the Appellant MRI at Belfair, LLC d/b/a 3T MRI at Belfair and Respondent South Carolina Department of Health and Environmental Control in the foregoing matter with a copy of the *Initial Brief of Respondent Beaufort Memorial Hospital* and *Designation of Matter to be Included in the Record on Appeal* via electronic mail only, addressed as follows:

Henry W. Frampton, IV, Esquire
A. Victor Rawl, Jr., Esquire
Victoria T. Kepes, Esquire
Gordon & Rees Scully Mansukhani
40 Calhoun Street, Suite 350
Charleston, SC 29401
hframpton@grsm.com
vrawl@grsm.com
vkepes@grsm.com

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

Ashley C. Biggers, Esquire
Vito M. Wicevic, Esquire
Meredith W. Sella, Esquire
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 Respondent South Carolina
Department of Health and Environmental Control*

s/Trudy H. Robertson _____
Trudy H. Robertson (S.C. Bar No. 64856)
E. Brandon Gaskins (S.C. Bar No. 73274)
Moore & Van Allen PLLC
78 Wentworth Street
Charleston, SC 29401
Telephone: (843) 579-7000
Facsimile: (843) 579-7099
trudyrobertson@mvalaw.com
brandongaskins@mvalaw.com

*Attorneys for Respondent
Beaufort Memorial Hospital*

November 22, 2021

Charleston, South Carolina

RECEIVED

Moore & Van Allen

November 22, 2021

Nov 22 2021

Trudy Hartzog Robertson
Attorney at Law

SC Court of Appeals

T 843 579 7061
843 579 8722
trudyrobertson@mvalaw.com

VIA EMAIL ONLY

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Email: ctappfilings@sccourts.org

Moore & Van Allen PLLC

78 Wentworth Street
Charleston, SC 29401-1428

Mailing Address:
Post Office Box 22828
Charleston, SC 29413-2828

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
Docket No.: 20-ALJ-07-0235-CC
Appellate Case No.: 2021-000617
MVA File No.: 027550.000043

Dear Ms. Kitchings:

With regard to the above-referenced matter, please accept the enclosed for filing:

1. Initial Brief of Respondent Beaufort Memorial Hospital;
2. Designation of Matter to be Included in the Record on Appeal; and
3. Proof Service.

By copy of this letter, I am serving Appellant's and Respondent South Carolina Department of Health and Environmental Control's attorneys with a copy of the Initial Brief of Respondent Beaufort Memorial Hospital and Designation of Matter to be Included in the Record on Appeal.

Thank you for your assistance with this matter. If you have any questions or concerns, please don't hesitate to contact me.

Sincerely,



Trudy H. Robertson

THR/llp

Enclosures: As Stated.

cc: **VIA EMAIL ONLY**
Henry W. Frampton, IV, Esquire
A. Victor Rawl, Jr., Esquire
Victoria T. Kepes, Esquire
Ashley C. Biggers, Esquire
Vito M. Wicevic, Esquire
Meredith W. Sella, Esquire

Charlotte, NC
Charleston, SC