

Notice: This opinion is subject to formal revision before publication in the advance sheets of Southern Reporter. Readers are requested to notify the **Reporter of Decisions**, Alabama Appellate Courts, 300 Dexter Avenue, Montgomery, Alabama 36104-3741 ((334) 229-0649), of any typographical or other errors, in order that corrections may be made before the opinion is printed in Southern Reporter.

SUPREME COURT OF ALABAMA

OCTOBER TERM, 2012-2013

1120495

**Ex parte Brookwood Health Services, Inc., d/b/a Brookwood
Medical Center**

**PETITION FOR WRIT OF CERTIORARI
TO THE COURT OF CIVIL APPEALS**

**(In re: Affinity Hospital, LLC, d/b/a Trinity Medical Center
of Birmingham**

v.

**Brookwood Health Services, Inc., d/b/a Brookwood Medical
Center)**

**(Montgomery Circuit Court, CV-10-1587;
Court of Civil Appeals, CV-2111015)**

1120499

Ex parte St. Vincent's Health System

PETITION FOR WRIT OF CERTIORARI
TO THE COURT OF CIVIL APPEALS

(In re: Affinity Hospital, LLC, d/b/a Trinity Medical Center
of Birmingham

v.

St. Vincent's Health System)

(Montgomery Circuit Court, CV-10-901590;
Court of Civil Appeals, 2111014)

MOORE, Chief Justice.

1120495 -- WRIT DENIED. NO OPINION.

1120499 -- WRIT DENIED. NO OPINION.

Stuart, Bolin, Parker, Main, and Wise, JJ., concur.

Murdock and Shaw, JJ., concur in part and dissent in
part.

Bryan, J., recuses himself.*

*Justice Bryan was a member of the Court of Civil Appeals
when that court considered these cases.

1120495 and 1120499

MURDOCK, Justice (concurring in part and dissenting in part).

I concur in the denial of certiorari with regard to the application of the 60% occupancy rule in Rule 410-2-4-.14(3)(b), Ala. Admin. Code (SHPDA), as prescribed by § 22-21-266, Ala. Code 1975. I respectfully dissent as to the denial of certiorari with respect to the alleged conflict between the decision of the Court of Civil Appeals in these cases and the decision of this Court in Ex parte Shelby Medical Center, Inc., 564 So. 2d 63 (1990).

Shaw, J., concurs.