

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

69217

APPEAL FROM RICHLAND COUNTY
COURT OF COMMON PLEAS
G. Thomas Cooper, Circuit Court Judge

Case No. 2013-CP-40-0572
Appellate Case No. 2013-_____

International Paper Company, Inc.,.....Appellant,

v.

South Carolina State Energy Office,.....Respondent.

MOTION TO CONSOLIDATE

RECEIVED
JUL 25 2013

SC Court of Appeals

The above-captioned appeal from the Circuit Court involves the same parties and same basic issue as Appellate Case No. 2013-000114, which is an appeal from the Administrative Law Court (ALC) that is currently pending before this Court. Appellant moves to consolidate the two appeals pursuant to Rule 214, SCACR, which permits consolidation “where the same question is involved in two or more appeals in different cases.” A motion to consolidate has also been filed in the pending appeal from the ALC at the same time as the filing of the present motion.

Taken together, the two appeals present the overriding question of whether the Circuit Court or the ALC has subject matter jurisdiction to review the determinations of the South Carolina State Energy Office (SEO) on certification of a tax credit granted by S.C. Code Ann. § 12-6-3620. Consolidating these appeals will result in a single Record on Appeal and a single set of appellate

briefs that: (1) more concisely present the issues than would separate appeals that are consolidated after briefing; and (2) as a result, conserves the time and resources of this Court and the parties.

Accordingly, Appellant respectfully requests an order of this Court that: (1) consolidates the two appeals for briefing and oral argument; and (2) directs that Appellant's initial brief and designation in the consolidated appeal is due within thirty (30) days after Appellant receives the hearing transcripts from the court reporters in the Circuit Court action – these transcripts were ordered by letter dated July 18, 2013, and one of them has already been received.

Respectfully Submitted,



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July 25, 2013
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v.

South Carolina State Energy Office,Respondent.

CERTIFICATE OF SERVICE

I, Ann Shuler, an employee of McNair Law Firm, certify that I served the **Notice of Appeal** and **Motion to Consolidate**, by placing a true and correct copy in the U.S. Mail, sufficient postage pre-paid to persons shown below at the addresses shown below, on July 25, 2013:

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Ann Shuler