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**Jan 10 2024**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
COURT OF APPEALS

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APPEAL FROM THE ADMINISTRATIVE LAW COURT

The Honorable Ralph King Anderson, III  
Administrative Law Judge

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Appellate Case No. 2023-001351

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BLUE RIDGE ENVIRONMENTAL DEFENSE LEAGUE, APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL  
CONTROL AND DOMINION ENERGY, RESPONDENTS.

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**MOTION OF RESPONDENT DOMINION ENERGY  
FOR LEAVE TO FILE SUR-REPLY**

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Pursuant to Rule 240, SCACR, Respondent Dominion Energy (Dominion) files this Motion for Leave to File Sur-Reply to Appellant's Emergency Petition for Writ of Supersedeas and Motion for Expedited Hearing.

Appellant BREDL filed the Emergency Petition on December 11, 2023, and Dominion filed a timely Return to the Petition. Among other arguments and citations of authority, Dominion's Return cited a South Carolina Administrative Law Court decision on mootness. In its Reply to Dominion's Return, BREDL accused Dominion of failing to advise the Court of a subsequent order by the Court of Appeals staying the ALC decision during the appeal of that case.

Dominion requests leave to file the attached Sur-Reply to address only the new matter raised in BREDL's Reply: that Dominion failed to advise the court of a relevant court order, and that the existence of this court order invalidated Dominion's argument for mootness. The bases of this motion are that (1) the existence of the subsequent stay order of the Court of Appeals could not be discovered using citation tools such as Shepard's Citations; (2) the subsequent stay order was unpublished and thus without precedential value pursuant to Rule 268(d)(2), SCACR; (3) the subsequent order was based on case-specific facts and arguments; and (4) the subsequent stay order was lifted just over one month after it was issued, well before briefing was completed or the record on appeal filed.

A proposed Sur-Reply is attached as an Exhibit to this motion.

Dated: January 10, 2024

Respectfully submitted,

**DOMINION ENERGY, INC.**

By: /s/ Elizabeth B. Partlow  
Elizabeth B. Partlow (S.C Bar No. 4348)  
LAW OFFICES OF ELIZABETH B. PARTLOW, LLC  
1800 Platt Springs Road  
West Columbia, SC  
Telephone: (803) 814-0868  
E-mail: [beth@partlowlaw.com](mailto:beth@partlowlaw.com)

Brooks M. Smith, admitted *pro hac vice*  
Troutman Pepper Hamilton Sanders LLP  
1001 Haxall Point, 15th Floor  
Troutman Pepper Building  
Richmond, VA 23219  
Telephone: (804) 697-1414  
E-mail: [brooks.smith@troutman.com](mailto:brooks.smith@troutman.com)

*Counsel for Respondent Dominion Energy, Inc.*