

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )

IN THE COURT OF COMMON PLEAS  
FIFTH JUDICIAL CIRCUIT

C/A No. 2020-CP-40-05532

**RECEIVED**  
**Sep 19 2025**  
**SC Court of Appeals**

Marion Katrell Campbell, on behalf  
of himself and all other similarly  
situated,

Plaintiff,

v.

South Carolina Department of  
Corrections,

Defendant.

C/A No.: 2020-CP-40-04701

Wardell Williams, Harry Simmons, Jr.,  
and Isiah Rollins,

Plaintiffs,

v.

South Carolina Department of  
Corrections,

Defendant.

C/A No. 2020-CP-40-05660

Larry Hampton, Christopher McDowell,  
David Payton, Jr., and Michael Smoak,

Plaintiffs,

v.

South Carolina Department of  
Corrections,

Defendant.

Henry Belton,

Plaintiff,

v.

South Carolina Department of  
Corrections,

Defendant.

C.A. No. 2017-CP-40-00556

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**ORDER ON CONDITIONAL CLASS CERTIFICATION AND CLASS NOTICE**

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This consolidated, complex matter is before the Court on Plaintiffs’ second amended motion for class certification filed on May 13, 2021. On August 18, 2021, the above-captioned Plaintiffs filed a joint memorandum in support of the motion urging the Court to certify a class of inmates they allege were subjected to prolonged detention by Defendant South Carolina Department of Corrections (SCDC). On August 19, 2021, Defendant filed a memorandum indicating, in relevant part, that SCDC believes this case meets the requirement of Rule 23 of the South Carolina Rules of Civil Procedure, such that “SCDC does not completely oppose class certification, but would request that the Court make no findings at this stage of the case with regard to the measure of damages, and that the Court leave open the possibility of subclasses within the Plaintiff class.” SCDC mem., 4. Thereafter, the parties conferred and submitted a proposed order for conditional class certification and class notice.

Having carefully considered the submissions of the parties and the relevant law, the motion is **GRANTED**, and the Court conditionally certifies a class (as described below), appoints Plaintiffs’ counsel as class counsel in this action, and orders the parties to proceed with providing notice to the class as explained below.

## RELEVANT PROCEDURAL AND FACTUAL BACKGROUND

This action arises from the Omnibus Crime Reduction and Sentencing Reform Act of 2010 (“Act 273” or “the Act”). Sections 37 and 38 of the Act appended the following paragraph to South Carolina Code §§ 44-53-370, -375(A) & (B):

Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this subsection for a first offense or second offense may have the sentence suspended and probation granted, and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits.

2010 Act No. 273, §§ 37 & 38. The named Plaintiffs were all convicted of offenses under §§ 44-53-370, -375(A) & (B), but after the enactment of Act No. 273, SCDC did not reclassify their convictions as parolable until the decision in *Bolin v. South Carolina Department of Corrections*, 415 S.C. 276, 781 S.E.2d 914 (Ct. App. 2016), remittitur issued April 1, 2016.

In *Bolin*, the Court of Appeals held “a second offense under section 44-53-375(8) is no longer a no-parole offense.” 415 S.C. at 286, 781 S.E.2d at 919. After *Bolin* was decided, SCDC recalculated inmate sentences to apply good-time, education, and work credits at the parolable-offense rate, which accelerated the timeline for inmate release. This resulted in SCDC releasing 419 inmates from state prisons in two rounds of releases during March and June 2016.

Plaintiff Marian Campbell filed this action on August 17, 2016 in the Charleston County Court of Common Pleas joining individual and class claims against SCDC and its director. The action was removed to federal court and Campbell filed an amended complaint adding federal claims for deliberate indifference against SCDC lawyers Chris Florian and David Tatarsky. The claims against SCDC’s director were dismissed and Florian and Tatarsky were ultimately held to have qualified immunity. *Campbell v. Florian*, 972 F.3d 385 (4th Cir. 2020). The U.S. District

Court declined to exercise supplemental jurisdiction over the South Carolina Tort Claims Act claims against SCDC, and the case was remanded to the South Carolina circuit court.

On November 23, 2020, the Honorable Jennifer B. McCoy, Circuit Court Judge, transferred the *Campbell* action from Charleston County to the Richland County Court of Common Pleas by agreement of the parties. The other above-named either Plaintiffs filed actions in Richland County or had them transferred here. On March 16, 2021, the Honorable L. Casey Manning, Chief Administrative Judge for the Fifth Judicial Circuit consolidated those actions, designated the matter complex, and assigned it to this Court. Thereafter, Plaintiffs moved for class certification, appointment of class counsel, and for entry of a class notice plan.

### STANDARD OF REVIEW

Rule 23 authorizes a class-action procedure when the court finds that (1) the class is so numerous that joinder is impracticable, (2) there are questions of law or fact common to the class, (3) the claims or defenses of the representative parties are typical of those of the class, (4) the representative parties will fairly and adequately protect the interests of the class, and (5) the amount in controversy exceeds \$100 per class member when the relief primarily sought is not injunctive or declaratory relief. Rule 23(a), SCRCF. The proponent of the class certification has the burden of proving these prerequisites are met. *Waller v. Seabrook Island Prop. Owners Ass'n*, 300 S.C. 465, 467–68, 388 S.E.2d 799, 801 (1990); *Gardner v. S.C. Dep't of Revenue*, 353 S.C. 1, 21, 577 S.E.2d 190, 200 (2003). A trial judge's ruling on whether an action is properly maintainable as a class action is within her discretion and reviewed for an error of law. *Id.*

### DISCUSSION

The parties agree preliminary certification of a class is appropriate. Plaintiffs also seek appointment of their counsel as Class Counsel and approval of a class notice plan. The motion is

GRANTED, and the Court (1) appoints Plaintiffs' counsel as Class Counsel, (2) orders that the Class receive notice as set forth below, and (3) adopts the following schedule for providing notice and an opportunity for class members to opt out prior to certification.

**I. Conditional class certification is appropriate.**

Plaintiffs moved for certification citing a class of approximately 419 individuals and arguing there are common questions of law and fact, the representative parties' claims are typical of the class, Plaintiffs and their counsel will fairly and adequately protect the interests of the class, and the amount in controversy exceeds \$100 per class member. Plaintiffs ask to certify a class of:

All persons in the custody of the South Carolina Department of Corrections who were incarcerated for violations of South Carolina Code §§ 44-53-370 and 44-53-375 and released between June 2, 2010 and June 1, 2016.

Pls.' 2nd Am. Mot. Cert. (filed May 13, 2021). SCDC does not dispute that Rule 23's requirements are met. *See* SCDC mem., 3–4 (filed Aug. 19, 2021).

The Court finds the requirements of Rule 23 are met. The class is sufficiently numerous because there appears to be a class of at approximately 419 individuals identifiable based on documents collected during discovery. The Court finds joinder of 400+ individuals to be impractical. The factual record and legal issues cited by the parties indicate there are some questions of law and fact which, if answered by the jury or the Court, would resolve at least some issues for both the named Plaintiffs and either the entire class or entire subclasses. Put differently, a class procedure is capable of generating common *answers* on questions capable of producing common answers such that the efficiencies of a class proceeding are realized here. Further, Plaintiffs and their counsel will fairly represent the interests of the Class because Plaintiffs' interests appear to be aligned with those of the class and Class Counsel has more than adequate experience in class action litigation to represent their clients and the absent Class. Finally, the relief

sought here is money damages and it appears a jury could return a verdict that would result in more than \$100 in compensation per class member.

Accordingly, the Court finds that the record supports conditional certification and hereby **CERTIFIES** the following class definition:

All persons in the custody of the South Carolina Department of Corrections who were incarcerated for violations of South Carolina Code §§ 44-53-370 and 44-53-375 and released between June 2, 2010 and June 1, 2016.

Excluded from the Class are any federal, state, or local governmental employees and any judges who have decided some or all issues in the case, any persons related to a judge in a manner that would disqualify the judge from hearing the case, and any chambers staff working for the assigned judge or other courthouse staff who perform tasks relating to this matter.

## **II. Appointment of Plaintiffs' counsel as Class Counsel**

Plaintiffs also seek appointment of their counsel as Class Counsel charged with providing notice to the class and prosecuting the claims of the absent class members. SCDC does not contest the adequacy of Plaintiffs' counsel to serve as class counsel here.

Accordingly, whereas it appears to the Court that Plaintiffs' counsel have ample experience in class action litigation, Plaintiffs' counsel is hereby **APPOINTED** to serve as Class Counsel and represent the interests of the Class in this litigation.

## **III. Class notice plan.**

The parties also seek approval of a class notice plan to notify the class and provide an opportunity to opt out prior to any class member being bound by the judgment.

Notice to absent class members is required by due process; due process requires the best notice practicable, reasonably calculated under the circumstances to apprise interested parties of the pendency of the action and afford them an opportunity to participate or opt out. *See Hosp. Mgmt. Assocs., Inc. v. Shell Oil Co.*, 356 S.C. 644, 662, 591 S.E.2d 611, 620–21 (2004) (quoting

*Phillips Petroleum Co. v. Shutts*, 472 U.S. 797, 812 (1985)). Typically, when names and addresses of most class members are known, notice by mail is usually preferred. David F. Herr, *MANUEL FOR COMPLEX LITIGATION (FOURTH)* § 21.311 (2018). The purpose of such notice is not only to apprise the class of the nature of the litigation, but also to afford an opportunity to opt out before the rights of Class members are bound by the judgment of the Court.

For reasons that follow, the Court finds that the parties' proposed class notice plan is the best practicable under the circumstances and that it is sufficient to meet the requirements of Rule 23 of the South Carolina Rules of Civil Procedure and the Due Process Clause of the Fourteenth Amendment to the U.S. Constitution. Thus, the following class notice plan is **APPROVED**.

**A. Subpoena to S.C. Department of Probation, Parole & Pardon Services**

As an initial step, Plaintiffs propose to subpoena names, addresses, and contact information for the approximately 419 individuals included in SCDC's two mass releases from the S.C. Department of Probation, Parole & Pardon Services (PPP). A proposed attachment describing the documents sought by the subpoena duce tecum is attached here as **Exhibit A**.

The Court finds to proposed subpoena reasonable and necessary given the circumstances of this case. Accordingly, the subpoena is **APPROVED**, and a copy of this Order shall be served on PPP with the subpoena duces tecum.

**B. Certified Mail with Notice to Last Known Address**

Upon receipt of contact information from PPP, Plaintiffs propose to send first class U.S. Mail to each of the individual's last known address with the class notice attached to this Order as Exhibit B. The notice reasonably describes the nature of this action, the definition of the class, the claims and defenses at issue, the rights of class members including the right to opt out from the class, the right of class members to obtain their own counsel, how to contact class counsel, and the

binding effect of a judgment on persons who remain in the Class. *Cf.* MANUEL FOR COMPLEX LITIGATION (FOURTH) § 21.311. Accordingly, the Class Notice is **APPROVED** and, upon receipt of the Class information from PPP, Plaintiffs shall send the Class Notice via U.S. Mail with a return receipt requested within 30 days. Further, Plaintiffs shall keep or cause to be kept a list of all Class Notices returned as undeliverable.

**C. Skip-Trace Address Update and Other Means to Ensure Actual Notice.**

Upon receipt of a Class Notice returned as undeliverable, Class Counsel shall record the communication as undeliverable and, within seven (7) days of receipt of the returned mail, use any forwarding address provided by the U.S. Post Office or that may be found using a commercial skip-trace service to re-mail the Class Notice.

Further, Class Counsel shall be permitted to use any contact information (i.e., telephone or email) obtained from PPP to ensure actual notice of this action to as many class members as practicable under the circumstances. Class Counsel is authorized to take such further action as may be required to provide actual notice to as many persons as practicable and otherwise protect the interests of the Class.

**D. Notice to the Court of Opt-Out Class Members**

Within 90 days of mailing the Class Notice, Class Counsel will file a first status report apprising the Court of the status of the notice plan and the current number of individuals choosing to opt out. This 90-day status report takes into account the 60-day window provided by the Class Notice to opt out of this lawsuit. Class Counsel will file a second status report notifying the Court when, in counsel's judgment, notice has been effectuated; however, this second status report shall be filed no later than 120 days from that date Class Notice is first mailed.

**AND IT IS SO ORDERED.**

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The Honorable Jocelyn Newman  
Circuit Court Judge

\_\_\_\_\_, 2021  
Columbia, South Carolina.

**Exhibit A**

**INSTRUCTIONS**

In responding to this subpoena, produce all documents available to you or subject to your reasonable access or control. In producing documents, you are required to produce each document requested together with all non-identical copies and drafts of that document. If the original of any document cannot be located, a copy shall be provided in lieu thereof and shall be legible and bound or stapled in the same manner as the original. If any requested document is not or cannot be produced in full, you are required to produce it to the extent possible, indicating which document, or portion of that document, is being withheld and the reason that document is being withheld.

**Documents shall be produced as they are kept in the usual course of business or organized and labeled to correspond to the categories in this Request.** In making production of electronically stored information (ESI), including, without limitation, electronic data compilations, electronic email, or documents that are kept in electronic format (such as, without limitation, Microsoft Outlook, Microsoft Word, Microsoft Excel, Microsoft PowerPoint, or any similar program or platform), produce all data compilations (e.g., Microsoft Excel files, comma separated value files, text files, etc.) in native form. Email should be produced either in native form or as TIFF image files appended with corresponding metadata and OCR files. Documents attached to email should not be separated. Documents not otherwise responsive to this subpoena should be produced if such documents mention, discuss, refer to, or explain the documents called for by this subpoena or if such documents are attached to documents called for by this subpoena.

**DEFINITIONS**

Unless a specific definition is provided below, the words and phrases contained in this subpoena should be given their ordinary, dictionary, common sense definition. Unless specifically

Exhibit A – Attachment to Subpoena Duces Tecum

stated to the contrary, and unless another meaning is obvious from the context, the terms used herein shall have the same meaning as they have in the Complaint in this action. **Objections on account of vagueness should specifically explain why you believe the request is vague** and should state your understanding of the information being sought along with a response consistent with your understanding.

Additionally, the following definitions shall apply to this subpoena:

1. The term “and” shall include the term “or.”
2. The term “or” shall include the term “and.”
3. The terms “relating to,” “with respect to,” and “refer to” shall mean embodying, containing, comprising, indicating, concerning, referring, identifying, describing, discussing, involving, evidencing or otherwise pertaining to.
4. “Documents” or “document” shall have the broadest meaning permitted under Rules 26, 34, and 45 of the South Carolina Rules of Civil Procedure and include, without limitation, all writings of any nature whatsoever (including, specifically, all drafts), whether originals or copies, including all non-identical copies (whether different from the original because of notes made on or attached to them or otherwise), whether drafts, preliminary, proposed or final versions, whether printed, recorded, produced or reproduced by any other mechanical or electronic process, whether written or produced by hand, within your possession, custody or control, including without limitation, contracts, agreements, arrangements, understandings, communications, including intra-office communications, intra-department communications, correspondence, telegrams, records, reports, studies, memoranda (including memoranda of telephone, personal, intra-office or intra-department conversations and memoranda of conferences, notes, advertisements, notices, telex and facsimile communications), telephone bills and records,

Exhibit A – Attachment to Subpoena Duces Tecum

cables, books, diaries, appraisals, forecasts, statistical statements, accountants’ work papers, graphs, summaries, lists, tabulations, calendars, charts, maps, diagrams, blueprints, tables, indices, pictures, recordings, tapes, microfilms, charges, accounts, minutes, brochures, pamphlets, circulars, trade letters, press releases, stenographic, handwritten or any other notes, projections, working papers, checks, check stubs, receipts, invoice vouchers, tape data sheets or data processing cards or disks, magnetic tapes, disks, drums, promotional devices, or any other document or writings of whatever description, including, without limitation, CD-ROMS, e-mails, instant messages, text messages and any information contained in any computer or memory system, although not yet printed out, or any material underlying, supporting or used in the preparation of any such documents. “Documents” or “document” includes ESI.

5. “ESI” means electronically stored information, electronically stored data or electronic data, and is to be interpreted broadly to include all types of information, regardless of the storage media (*e.g.*, hard drive, CD-ROM, DVD, disc, tape, thumb drive, etc.), that requires a computer or other machine to read or process it.

6. “SCDC” means the South Carolina Department of Corrections and all of its directors, officers, employees, and agents.

7. “PPP” means the South Carolina Department of Probation, Parole, and Pardon Services and all of its directors, officers, employees, and agents.

8. “*Bolin*” means the decision in the case styled *Bolin v. S.C. Dep’t Corr.*, 415 S.C. 276, 781 S.E.2d 914 (Ct. App. 2016).

**DOCUMENTS FOR PRODUCTION**

You are required to produce the following documents in response to this subpoena:

Exhibit A – Attachment to Subpoena Duces Tecum

1. All names, addresses, and contact information—including last known addresses—for inmates released in March 2016 pursuant to the decision in *Bolin* that resulted in approximately 226 inmates being released from SCDC prisons.

2. All names, addresses, and contact information—including last known addresses—for inmates released in June 2016 pursuant to the decision in *Bolin* that resulted in approximately 193 inmates being released from SCDC prisons.

3. To the extent not already produced, produce all names, addresses, and contact information—including last known addresses—for any other inmate known to PPP to have been released from SCDC prisons pursuant to the decision in *Bolin*.

**To the extent any of the foregoing documents are available in ESI and other formats, please produce it in ESI form only.**

**NOTICE OF CLASS ACTION**  
***Campbell v. South Carolina Department of Corrections***  
**Richland County Court of Common Pleas, Case No. 2020-CP-40-05532**

**THIS NOTICE MAY AFFECT YOUR RIGHTS. PLEASE READ IT CAREFULLY.**

You are receiving this notice because your rights may be affected by a class action lawsuit (the “Campbell Lawsuit”) against the South Carolina Department of Corrections (“SCDC”).

The Campbell Lawsuit alleges SCDC unlawfully prolonged the detention of inmates incarcerated by SCDC by failing to properly recalculate work, education, and good time credits earned by inmates convicted under South Carolina Code §§ 44-53-370 and 44-53-375(A) & (B).

READ THIS NOTICE COMPLETELY AND CAREFULLY TO LEARN ABOUT THE CASE AND YOUR OPTIONS.

**1. WHY AM I RECEIVING THIS NOTICE?**

You are receiving this Notice because the Richland County Court of Common Pleas has conditionally certified—i.e., conditionally approved—the Campbell Lawsuit to proceed as a class action lawsuit.

A class action lawsuit is a legal procedure that allows named plaintiffs to bring legal claims on behalf of themselves and other persons with similar legal rights. When a court approves a case to proceed as a class action, the claims of the named plaintiffs, also called class representatives, are litigated and tried together with the claims of the class in one court proceeding.

When a class is certified, potential class members must receive notice and an opportunity to opt out or withdraw from the lawsuit before they can be bound by the outcome. This is your opportunity to learn about the Campbell Lawsuit and decide whether you want to (a) do nothing and be part of the Class or (b) opt out and be excluded from the outcome.

**2. WHAT IS THIS CASE ABOUT?**

Plaintiffs are former inmates in the South Carolina Department of Correction (SCDC) serving time for violating South Carolina Code §§ 44-53-370 and -375 who allege they were subjected to prolonged detention—i.e., incarcerated beyond their lawful term of incarceration—because SCDC failed to properly re-calculate their release date to apply additional good-time, education, and work credits that would accelerate their release from prison.

South Carolina Code § 44-53-370 makes it unlawful for any person to (1) to manufacture, distribute, dispense, deliver, purchase, aid, abet, attempt, or conspire to manufacture, distribute,

## Exhibit B – Class Notice

dispense, deliver, or purchase, or possess with the intent to manufacture, distribute, dispense, deliver, or purchase a controlled substance or a controlled substance analogue or (2) to create, distribute, dispense, deliver, or purchase, or aid, abet, attempt, or conspire to create, distribute, dispense, deliver, or purchase, or possess with intent to distribute, dispense, deliver, or purchase a counterfeit substance.

South Carolina Code § 44-53-375(A) and (B) make it unlawful to possess, manufacture, distribute, dispense, deliver, purchase, or otherwise aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver, or purchase, or possess with intent to distribute, dispense, or deliver methamphetamine or cocaine base.

The Omnibus Crime Reduction and Sentencing Reform Act of 2010 (“Act 273” or “the Act”) changed the parole status of persons convicted under §§ 44-53-370 & -375 by providing:

Notwithstanding any other provision of law, a person convicted and sentenced pursuant to this subsection for a first offense or second offense may have the sentence suspended and probation granted, and is eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits.

2010 Act No. 273, §§ 37 & 38. In *Bolin v. South Carolina Department of Corrections*, 415 S.C. 276, 781 S.E.2d 914 (Ct. App. 2016), the South Carolina Court of Appeals held that an inmate’s convictions for second-offense conspiracy to manufacture and possession with intent to distribute methamphetamine were no longer “no parole” offenses. Sometime after the *Bolin* case was decided, SCDC recalculated inmate sentences to apply good-time, education, and work credits at the parolable-offense rate, which accelerated the timeline for inmate release. This resulted in SCDC releasing 419 inmates from state prisons in two rounds of mass-release during March and June, 2016.

Plaintiffs allege that following the enactment of Act No. 273 of 2010, SCDC should have, but failed to, reclassify their convictions as parolable and allow them release credits at the greater, paroleable rate, but instead continued treating the offenses as “no parole” offenses that required inmates to serve 85 percent of their respective sentences until the *Bolin* decision referenced above.

Plaintiffs are seeking money damages from SCDC to compensate them and the Class for time spent in state prisons beyond what they allege was the lawful term of each inmate’s incarceration. If Plaintiffs are successful in this case, they can be awarded money. If they are

## Exhibit B – Class Notice

unsuccessful, they receive nothing. The outcome of this case will not have any impact on the prison term of any person presently incarcerated in state or federal prison or any detainee in a local jail.

Defendant SCDC disputes that it did anything wrong and believes it has legal defenses that prevent Plaintiffs from recovering some or all of the money being sought in this case.

### 3. WHOSE RIGHTS ARE AFFECTED BY THIS CLASS ACTION?

Plaintiffs believe they were subjected to prolonged detention while they were inmates in the South Carolina Department of Corrections and that other inmates were also subjected to prolonged detention for the same reason. They have asked the Court to approve the following definition of persons to be included in the Class:

All persons in the custody of the South Carolina Department of Corrections who were incarcerated for violations of South Carolina Code §§ 44-53-370 and 44-53-375 and released between June 2, 2010 and June 1, 2016.

Excluded from the Class are any federal, state, or local governmental employees and any judges who have decided some or all issues in the case, any persons related to a judge in a manner that would disqualify the judge from hearing the case, and any chambers staff working for the assigned judge or other courthouse staff who perform tasks relating to this matter.

The Court has conditionally agreed to certify the class definition above, meaning this case will proceed as a class action and include the individuals who meet the definition above.

### 4. WHAT ARE MY OPTIONS?

You have two options:

- a. **Remain in the Class.** You may remain in the Campbell Lawsuit and remain eligible for money damages that could be awarded during this litigation. You do not need to do anything to remain in the Campbell Lawsuit. If you do nothing, you will automatically become part of the Class on [**DATE: Notice +60 days**]. Being a member of the Class means you will be bound by the judgment—i.e., the outcome of this case, meaning if Plaintiffs prevail, the Class will prevail; if SCDC prevails, the Class will not prevail. Being part of the Class means you give up your right to file your own lawsuit and agree to be bound by the Campbell Lawsuit.
- b. **Opt Out of the Class.** You may opt out of the Class and the Campbell Lawsuit. Opting out means you will not receive any money recovered on behalf of the

## Exhibit B – Class Notice

Class and you will not be bound by the judgment or the outcome of this case. If you opt out, you can file your own lawsuit provide the legal deadline for doing so—i.e., the statute of limitations—does not expire before you file your claim at the courthouse. You must opt out on or before [DATE: Notice +60 days] or you will be included in the class.

### **5. HOW DO I OPT OUT OF THE CLASS?**

In order to opt out of the Class, you must complete and return the “Request to Opt Out” Form attached to this Notice or a form that contains the same information. The signed form must include your full name, address, telephone, email, and SCDC inmate number during the term of your incarceration. You must sign the form and indicate your intent to be excluded from the Class by checking the box that states “I am opting out” or by making a statement to the same effect.

**In order to be considered valid, opt-out requests must:**

- a. Comply with all of these requirements,**
- b. Send your form to Richard A. Harpootlian, P.A., P.O. Box 1090, Columbia, South Carolina 29211, and**
- c. Have your return envelope postmarked on or before [DATE: Notice +60 days].**

If you validly opt out, you will be excluded from the Class in the Campbell Lawsuit and will not share in any proceeds or be bound by its outcome.

### **6. APPOINTMENT OF CLASS COUNSEL AND RIGHT TO COUNSEL**

The Court has appointed the lawyers representing the plaintiffs in the Campbell Lawsuit to also represent the interests of the class based on the Court’s determination that these lawyers have sufficient experience with class actions and the subject matter of this litigation to represent the interests of the Class.

Class Counsel in the Campbell Lawsuit is Richard A. Harpootlian and Christopher P. Kenney of RICHARD A. HARPOOTLIAN P.A.; Charles W. Whetstone, Jr. and Cheryl F. Perkins of WHETSTONE, PERKINS & FULDA, LLC; Kyle J. White of WHITE, DAVIS & WHITE LAW FIRM; and Philip A. Berlinsky of RIESEN LAW FIRM, L.L.P.

However, nothing prevents you from hiring your own lawyer at your own cost to review this notice or the filings in this case and advise you about how best to proceed.

### **7. IS A SETTLEMENT POSSIBLE?**

It is possible the Campbell Lawsuit could be settled—i.e., the parties reach a negotiated resolution that does not require them to go to court—however, the parties do not believe that is likely at this time and expect to have either a jury or the Court resolve this case. This means someone will win and someone will lose.

If a settlement is reached at a later date and you are part of the Class, you will receive notice of the settlement and an opportunity to be heard about whether the Court should approve that settlement. Any settlement must be approved by the Court.

### **8. WHEN WILL THE COURT DECIDE THIS CASE?**

Once the opt-out period closes on [**DATE: Notice +60 days**], the Court will set a schedule to complete discovery, argument motions, and begin trial. Generally, the Court expects to try this case sometime in 2022. If the case is tried by a jury, either side may choose to appeal some or all of the judgment. Resolving can be very time consuming and could take several years for both sides to exhaust their procedural and legal arguments.

### **9. WHAT IF I HAVE QUESTIONS?**

This description of the Campbell Lawsuit is general and does not cover all issues litigated in the case. More details, including a copy of the complaint, answer, motions, and orders of the court are free and available online at on the public database, the Richland County Public Index, <https://publicindex.sccourts.org/Richland/PublicIndex/disclaimer.aspx>, by searching for the Cambell Lawsuit and the other lawsuits that have been consolidated with the Campbell Lawsuit in the South Carolina Court of Common Pleas (i.e., the trial court) for the Fifth Judicial Circuit (Richland and Kershaw Counties). The caption and case number for those cases are:

- *Marion Katrell Campbell, on behalf of himself and all other similarly situated v. South Carolina Department of Corrections*, C/A No. 2020-CP-40-05532;
- *Wardell Williams, Harry Simmons, Jr., and Isiah Rollins v. South Carolina Department of Corrections*, C/A No.: 2020-CP-40-04701;
- *Larry Hampton, Christopher McDowell, David Payton, Jr., and Michael Smoak*, C/A No. 2020-CP-40-05660; and
- *Henry Belton v. South Carolina Department of Corrections*, C/A No. 2020-CP-40-05660.

Exhibit B – Class Notice

You can also visit the office of the Richland County Clerk of Court located at 1701 Main Street, Columbia, South Carolina 29201 to request copies of documents in the public file for inspection and copying at your own expense.

You also may contact Class Counsel at the following address and telephone number, who will direct you how to obtain any documents, and answer questions about the Campbell Lawsuit:

Richard A. Harpootlian  
Christopher P. Kenney  
RICHARD A. HARPOOTLIAN P.A.  
1410 Laurel Street  
Post Office Box 1090  
Columbia, South Carolina 29202  
Phone (803) 252-4848  
Facsimile (803) 252-4810  
rah@harpootlianlaw.com  
cpk@harpootlianlaw.com

Charles W. Whetstone, Jr.  
Cheryl F. Perkins  
WHETSTONE, PERKINS & FULDA, LLC  
601 Devine Street  
PO Box 8086  
Columbia, SC 29202  
Phone (803) 828-6100  
cwhetstone@attorneyssc.com  
cperkins@attorneyssc.com

Kyle J. White  
WHITE, DAVIS & WHITE LAW FIRM  
209 East Calhoun Street  
Post Office Box 1346  
Anderson, SC 29621  
Phone (864) 231-8090  
Facsimile: (864) 231-8006  
kyle@wdwlawfirm.com

Philip A. Berlinsky  
RIESEN LAW FIRM, L.L.P.  
3660 West Montague Avenue  
N. Charleston, South Carolina 29418  
Phone (843) 760-2450  
Facsimile (843) 767-3282  
philipalanlaw@aol.com

**DO NOT CONTACT THE COURT, THE JUDGE, OR THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS REGARDING THIS NOTICE OR THE CAMPBELL LAWSUIT.**

JOCELYN NEWMAN, CIRCUIT COURT JUDGE  
COURT OF COMMON PLEAS  
FIFTH JUDICIAL CIRCUIT

\_\_\_\_\_, 2021  
Columbia, South Carolina.



Richland Common Pleas

**Case Caption:** Marion Katrell Campbell vs South Carolina Department of Corrections , defendant, et al

**Case Number:** 2020CP4005532

**Type:** Order/Class Certification

So Ordered

Jocelyn Newman