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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT
Ralph K. Anderson, III, Administrative Law Judge

Dock. Nos. 25-ALJ-04-0371-AP, 25-ALJ-04-0468-AP, 25-ALJ-04-0372-AP,
25-ALJ-04-0373-AP, 25-ALJ-04-0469-AP, 25-ALJ-04-0323-AP,
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v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2026-000437

REFILED INITIAL BRIEF OF APPELLANTS

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STATEMENT OF ISSUES ON APPEAL

1. Concerning the Ackerman 139 orders, and the Brannon 26 orders, did the ALC err in failing to find authorization to appeal, or in finding counsel had no appeal authorization, and was this issue preserved for ALC review?

2. Concerning the Ackerman 139 orders, and the Brannon 26 orders, did the ALC err in failing to find that SCDC did not preserve the issue of attorney-client relationship for review, or in finding the attorney-client relationship was not maintained, or is questionable?

3. Concerning the Ackerman 139 orders, and the Brannon 26 orders, did the ALC err in failing to find there was an attorney-client relationship between counsel and appellants because of the September 14, 2004 fee agreement and pending class action, and because there was an attorney-client relationship in fact?

4. Concerning the Kelly and Wright orders, did the ALC err in failing to find that SCDC's final decisions violate appellants' substantive due process rights under U.S. Constitution, Amendment 14, and S.C. Constitution, Article I, Section 3?

5. Concerning the Kelly and Wright orders, did the ALC err in failing to find that SCDC's final decisions violate the mode of procedure clause in S.C. Constitution, Article I, Section 22?

6. Concerning the Kelly and Wright orders, did the ALC err in failing to find that SCDC's final decisions violate the separation of powers provision in S.C. Constitution, Article I, Section 8?

7. Concerning the Kelly and Wright orders, did the ALC err in failing to find that SCDC's final decisions violate the U.S. Constitution, Amendment 14, due process requirement for the opportunity to be heard at a meaningful time and in a meaningful manner?

8. Concerning the Kelly and Wright orders, did the ALC err in its calculations of amounts owed to appellants?

STATEMENT OF THE CASE

In 1998, the Department of Corrections (SCDC) signed a contract with Williams Technologies, Inc. (WTI) for an inmate work program at Lieber C.I.. S.C. Code §24-3-430(D) required payment of "prevailing wages" for work of similar nature in the private sector. In July 2001, budget proviso No. 66, §37.31 allowed payment of a negotiated wage. In 2004, most inmates (appellants) filed grievances for back wages, which SCDC denied for untimeliness. On appeal, the Administrative Law Court (ALC) affirmed except for one. In 2016, the Court of Appeals reversed and remanded to the ALC for merits consideration (Ackerman, et al. v. SCDC 415 S.C. 412, 421, 782 S.E. 2d 757, 762 (S.C. App., 2016). In 2017, the ALC remanded to SCDC for merits review.

On May 12, 2025, SCDC issued final decisions for all 197 appellants, and they appealed to the ALC on June 12, 2025. On November 10, 2025, the ALC issued 2 orders, and 24 dismissal orders, in the Brannon appeal, which were appealed to the Court of Appeals and served on SCDC on December 9, 2025.

On January 23, 2026, the ALC issued a dismissal order for the 139 Ackerman appellants, without considering the merits, and also amounts due orders for the Keith Kelly and Hester Wright (Personal Representative for Isaac Richardson) appeals. On February 3, the Court of Appeals ordered briefing timelines to be held in abeyance until all related appeals are filed and the case can be treated as one consolidated matter. On February 20, appellants filed 3 appeals of the January 23 ALC orders, which were served on SCDC. All appeals have now been filed and served. Finally, on March 6, counsel received confirmation that appellant Leroy Choice died in November 2025.

For the amounts involved on appeal, the ALC calculated amounts due for only two appellants, Keith Kelly and Hester Wright, Personal Representative. For Kelly, the ALC calculated $23,877.68 back pay due, and appellants' CPA calculated $149,045.02 in underpaid wages and interest due. For Wright, the ALC calculated $27,271.60 back pay due, and appellants' CPA calculated $249,068.23 in underpaid wages and interest due. See issue 8.

STANDARD OF REVIEW

The standard of review is as follows. For judicial review of a final decision of an administrative law judge, the

> review of the administrative law judge's order must be confined to the record. The Court may not substitute its judgment for the judgment of the administrative law judge as to the weight of the evidence on questions of fact. The Court of Appeals may affirm the decision or remand the case for further proceedings; or it may reverse or modify the decision if the substantive rights of the petitioner have been prejudiced because the finding, conclusion, or decision is: (a) in violation of constitutional or statutory provisions; (b) in excess of the statutory authority of the agency; (c) made upon unlawful procedure; (d) affected by other error of law; (e) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or (f) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion (S.C. Code §1-23-610(A)(1)(B))a)(b)(c)(d)(e)(f)).

ARGUMENT

1. Concerning the Ackerman 139 orders, and Brannon 26 orders, counsel had authorization to appeal to the ALC, and the ALC erred in failing to find authorization, or in finding there was no authorization, and this issue was not preserved for ALC review.

In 2004, appellants signed a fee agreement with counsel to "..authorize me as class counsel..to file a grievance against SCDC for collection of wages, and pursue that grievance on behalf of the class through the Administrative Law Judge Division and Courts.." (September 14, 2004 fee agreement with signature pages). Appellants contend their signatures to this agreement established an attorney-client relationship for grievance purposes, and auth-

orized appeal to the ALC. Appellants further contend the fee agreement gave counsel "advance authorization" to appeal to the ALC pursuant to S.C. Rules of Professional Conduct 1.2, Comment (3), and the appeal was "impliedly authorized" to carry out the representation under rule 1.2(a).

Here, counsel has represented appellants in these cases for over 20 years. The representation has involved several appeals, and has never been questioned by the courts or SCDC. In its 2014 Ackerman Court of Appeals brief, SCDC named all appellants in the caption, and on page 3 and note 2, referred multiple times to "appellants' counsel", or "appellants and their counsel" (SCDC Ackerman brief caption; brief pg. 3, note 2). Appellants contend, if SCDC believed counsel lacked authority to appeal, it had a duty to raise it in its final decisions. This, SCDC did not do (SCDC final decisions). As a result, appellants submit SCDC has not preserved this issue for ALC review.

However, the ALC ordered counsel to "provide the date upon which he obtained the client's informed consent to pursue this appeal" (Oct. 13, 2025 order by ALC, p. 4). Appellants submit that it was error for the ALC to raise this matter sua sponte (State v. Austin 306 S.C. 9, 19, 409 S.E. 2d 811, 817 (S.C. App., 1991).

In sum, appellants submit the Court of Appeals should reverse the ALC decisions' failing to find authorization to appeal, or in finding there was no authorization, because counsel was authorized, the issue was not preserved for ALC review, the decisions were made upon unlawful procedure, affected by other error of law, and are clearly erroneous in view of the reliable, probative and substantial evidence on the whole record (S.C. Code §1-23-610(A)(1)(B)(c)(d)(e)).

2. Concerning the Ackerman 139 orders, and the Brannon 26 orders, because SCDC did not raise the issue of attorney-client relationship at the agency level, the ALC erred in failing to find

that SCDC did not preserve the issue for review by the ALC, or in finding the attorney-client relationship was not maintained, or is questionable.

Appellants contend, because SCDC never raised the attorney-client relationship issue in over 20 years of litigation, or in its final decisions, SCDC did not preserve it for ALC review (SCDC final decisions) (State v. Austin 306 S.C. 9, 19, 409 S.E. 2d 811, 817 (S.C. App., 1991) (Appellate courts in this state, like well behaved children, do not speak unless spoken to and do not answer questions they are not asked); Johnson v. Lloyd 407 S.C. 610, 757 S.E. 2d 705, 706 (S.C., 2004) (Because state failed to argue petitioner was not entitled to equitable relief until its brief to Court of Appeals, issue was not preserved for appellate review); Home Medical Systems, Inc. v. S.C. Dept. of Revenue 382 S.C. 556, 562, 677 S.E. 2d 582, 586 (S.C., 2009) (Issue preservation is required in administrative appeals). In fact, some SCDC final decisions expressly refer to counsel as "your attorney" (e.g., Brannon SCDC final decision, p. 1). Further, the record shows SCDC first raised counsel's contractual relationship with some appellants during a conference call with the ALC on June 27, 2025, over 2 weeks after appellants' appeal to the ALC (ALC July 9, 2025 order, pp. 2-3). Finally, in SCDC's certificate of service accompanying the ALC record, SCDC serves the record "..upon the appellants' **counsel of record**.." (SCDC Cert. of Service).

In sum, appellants submit the Court of Appeals should reverse the ALC decision failing to find the attorney-client issue was not preserved for review, or that an attorney-client relationship was not maintained, or is questionable, because it was not preserved for ALC review, and thus the ALC decision was made upon unlawful procedure; was affected by other error of law; was clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; and was arbitrary and capricious, and character-

ized by an abuse of discretion and clearly unwarranted exercise of discretion (S.C. Code §1-23-610(A)(1)(B)(c)(d)(e)(f)).

3. Concerning the Ackerman 139 orders, and the Brannon 26 orders, there was an attorney-client relationship between counsel and appellants because of the September 14, 2004 fee agreement, and pending class action, and because there was an attorney-client relationship in fact, and the ALC erred in failing to make these findings.

Appellants contend the September 14, 2004 fee agreement excerpt quoted in issue 1 clearly established an attorney-client relationship between counsel and appellants. When appellants signed this agreement, counsel already represented appellants in a class action suit for wages. In that case, Judge Goodstein said counsel could represent inmates filing grievances if they retained counsel for that purpose. Counsel then prepared the September 14, 2004 fee agreement and requested class representative Darrell Williams, if agreeable, to sign the agreement and distribute it among the other 199 inmate clients for consideration. Pursuant to SCRCP 23(a)(4), representative parties are to be "fair and adequately protect the interests of the class". Appellants contend, given the then pending class action representation, counsel was "impliedly authorized" under rule 1.2(a) to distribute the 2004 fee agreement through the class representative.

Aside from the 2004 fee agreement, appellants contend there has been, in fact, an attorney-client relationship for grievance purposes since September 2004. This was recognized by SCDC in its 2014 Ackerman brief, where SCDC repeatedly stated that counsel has represented these appellants in filing grievances with SCDC since September 2004 (SCDC 2014 Ackerman brief, p. 3, n. 2). Appellants also refer to the updates to all locatable clients in recent years and the November 2024 notice regarding possible settlement (2018 to 2022 updates; Nov. 2024 notice of possible settlement). Appellants submit attorney and client relationship in fact as an independent basis for upholding the re-

lationship.

In sum, appellants submit the Court of Appeals should reverse the ALC decisions failure to find an attorney-client relationship, or finding a failure to maintain an attorney-client relationship, or such a relationship was questionable, because these findings are clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record (S.C. Code §1-23-610(A)(1)(B)(e)).

4. **Concerning the Kelly and Wright orders, SCDC's final decisions violated appellants' substantive due process rights under U.S. Constitution, Amendment 14, and S.C. Constitution, Article I, Section 3, and the ALC decisions erred in failing to make that finding.**

To prove a denial of substantive due process, a party must show that he was arbitrarily and capriciously deprived of a cognizable property interest rooted in state law (Sunset Cay, LLC v. City of Folly Beach 357 S.C. 414, 430, 593 S.E. 2d 462, 470 (S.C., 2004). A decision is arbitrary "..if it is without rational basis, is based..not upon any course of reasoning and exercise of judgment, is made at pleasure, without adequate determining principles, or is governed by no fixed rules or standards." (Daufuskie Is. Util. Co., Inc. v. S.C. Office of Reg. Staff 427 S.C. 458, 464, 832 S.E. 2d 572, 575 (S.C., 2019). In Torrence v. SCDC 373 S.C. 586, 593, 646 S.E. 2d 866, 869 (S.C., 2007), the Court stated concerning Adkins and Wicker that Wicker had a "statutory right to a prevailing wage which had been created by the state", and "inmates working in the Prison Industry Program have a cognizable, state-created interest in having the DOC pay them according to the statutory scheme..".

Here, SCDC final decisions state that from August 1, 2007 to project conclusion, §24-1-295 dictates pay, and "..the hourly rate at which SCDC **paid** you for any labor you performed from August 1, 2007 until the project's conclusion

conformed to the applicable statute." (Kelly final decision, p. 2; Richardson final decision, p. 2). Effective August 1, 2007, §24-1-295 allowed payment of a negotiated wage which may be less than the prevailing wage.

In Ackerman, 782 S.E. 2d at 761, the court found that the WTI contract set the pay rate at $4/hour per inmate "..from which SCDC is to make certain deductions". In Gatewood, 785 S.E. 2d at 604, the Court found that the contract cover page highlights the $4/hour contract wage and $.35/hour base for inmates; and in note 8, that the ALC found the $4 rate to be gross wages, while SCDC argued that $.35 represents gross wages, but conceded at oral argument that the ALC finding should be affirmed. Appellants contend these findings are the law of the case since they are findings by the Court of Appeals from decisions in prior appeals in this case (J. Toal, Appellate Practice in S.C., p. 81). Appellants further contend that these findings establish that SCDC did not pay them $4/hour in accord with §24-1-295, or make deductions under §24-1-295 from the correct gross wage of $4/hour. Instead, SCDC **paid** inmates a gross wage of $.35/hour base rate, from which SCDC made its deductions. The $.35/hour was the starting base rate, which could not exceed $1/hour (SCDC documents in record, 0075-0078).

Moreover, SCDC's own Exhibit F pay data confirms that SCDC's pay rate was usually about $.50/hour (SCDC Exhibit F). This applied from program start to finish, 1999 to 2013. Appellants further contend SCDC final decisions are arbitrary because they provide no hourly rate, or other rational basis, for their conclusion that SCDC paid the hourly rate in conformity with the statute. Appellants submit that Exhibit F is clear evidence that SCDC did not pay in conformity with any of the applicable statutes, §24-1-295, §24-3-430, or even the budget provisos. See Kelly and I. Richardson Exhibit F's.

Concerning the parties' stipulations, they address only that the prevail-

ing wage dictates pay for the applicable time period, and the $4/hour wage is based on the budget provisos for the applicable period. The stipulations do not address the amounts in fact paid from 1999 to 2013. They also do not dispose of, or grant relief for, SCDC's substantive due process violations in arbitrarily disobeying the wage laws from 1999 to 2013. See Kelly order p. 4.

In sum, appellants submit that the Court of Appeals should reverse the ALC decisions' failure to find that SCDC final decisions violate substantive due process under the U.S. and S.C. Constitutions and statutory provisions; and the ALC decisions are clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; and are arbitrary and capricious and characterized by an abuse of discretion and clearly unwarranted exercise of discretion (S.C. Code, §1-23-610(A)(1)(B)(a)(e)(f)).

5. Concerning the Kelly and Wright orders, SCDC's final decisions violated the mode of procedure clause in S.C. Constitution, Article I, Section 22, and the ALC erred in failing to make that finding.

S.C. Constitution, Article I, Section 22 states in part, "..nor shall he be deprived of liberty or property unless by a mode of procedure prescribed by the General Assembly..". As to the mode of procedure, the General Assembly has enacted S.C. Code §§1-23-320, 330, 340 and 360. However, the Court in Al Shabazz v. State 338 S.C. 354, 375, 527 S.E. 2d 742 (S.C., 2000) declined to apply these statutes to inmate custody/sentence challenges because an inmate grievance was adequate to raise the matter and create a record. When Al Shabazz was decided, there was still no grievance remedy for prevailing wage claimants, which was decided in Adkins, et al. v. SCDC. Since Adkins, the General Assembly has not enacted other provisions to replace those not applied in Al Shabazz. As a result, there is no statutory procedure by which SCDC can constitutionally deprive inmates of property under S.C. Constitution, Article I, Section 22.

Moreover, given the statutory violations of §24-3-430(D), the budget provisos, and §24-1-295 discussed in issue 4, SCDC's mode of procedure in paying inmates cannot logically be pursuant to a mode of procedure prescribed by the General Assembly which enacted those statutes.

Concerning the deprivation of Kelly's and Wright's (Richardson's) property, appellants again refer to the discussion in issue 4 relating to deprivation of their wages by not paying them in accord with the statutes.

Here, the South Carolina Constitution itself plainly states what constitutes the violation: deprivation of property not by a mode of procedure prescribed by the General Assembly. However, SCDC clearly states that it complied and continues to comply "..with the procedure(s) prescribed **not by the General Assembly** but by our Supreme Court in Adkins and, more specifically, Wicker.." (SCDC November 3, 2025 brief, p. 21).

In sum, appellants submit the Court of Appeals should reverse the ALC decisions' failure to find SCDC's final decisions violate S.C. Constitution, Article I, Section 22 because the ALC decisions are clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; and they are arbitrary and capricious, and characterized by abuse of discretion and clearly unwarranted exercise of discretion (S.C. Code §1-23-610(A)(1)(B)(a)(e)(f)).

6. Concerning the Kelly and Wright orders, SCDC's final decisions violated the separation of powers provision in S.C. Constitution, Article I, Section 8, and the ALC erred in failing to make that finding.

Our courts are clear that, under separation of powers principles, agencies must comply with the legislature's enactment of a law until it is declared invalid. When agencies refuse to enforce legislation, it infringes on the legislative authority (Layman, et al. v. State of S.C. 376 S.C. 434, 450, 658 S.E. 2d 320, 328 (S.C., 2008).

In its final decisions, SCDC does not comply with or enforce §24-3-430(D), 1995 version; §24-3-40, original version; and §24-1-295 (SCDC Kelly final decision, pp. 1-2; I. Richardson final decision, pp. 1-2). Finally, on page 3, SCDC does not comply with or enforce §15-77-300 allowing recovery of attorney fees in state actions. The ALC Kelly and Wright orders affirmed.

In sum, appellants submit the Court of Appeals should reverse the ALC decisions' failure to find that SCDC's final decisions violate the separation of powers provision in S.C. Constitution, Article I, Section 8, because the ALC decisions are clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; and the ALC decisions are arbitrary and capricious and characterized by abuse of discretion and clearly unwarranted exercise of discretion (S.C. Code §1-23-610(A)(1)(B)(a)(e)(f)).

7. Concerning the Kelly and Wright orders, SCDC's final decisions deprived appellants of the opportunity to be heard at a meaningful time and in a meaningful manner, in violation of due process under U.S. Constitution, Amendment 14, and the ALC erred in failing to make that finding.

United States Constitution, Fourteenth Amendment due process, requires an opportunity granted at a meaningful time and in a meaningful manner for a hearing appropriate to the nature of the case (Logan v. Zimmerman Brush Company 455 U.S. 422, 437, 102 S. Ct. 1148, 1159 (1982); South Carolina Department of Social Services v. Wilson 352 S.C. 445, 452, 574 S.E. 2d 730 (S.C., 2002).

Here, SCDC final decisions were issued 12-26 years after appellants' work had been concluded, over 20 years after they had filed grievances for back wages, and over 7 years after the ALC remand back to SCDC. Appellants submit that these time periods are well beyond any reasonable notion of what due process requires for a hearing at a meaningful time. See the Kelly and I. Richardson SCDC final decisions.

As to hearing in a meaningful manner, in 2017 SCDC issued its Exhibit F

pay data, updating to 2013 the pay date, hours, pay rate, and amounts for each pay period for all appellants (Exhibit F for Kelly and I. Richardson). In 2019, SCDC issued its back wage calculations for amounts due each appellant, except Vondell Sanders, and grand total for all appellants, but only through July 2007 (SCDC calculations for Kelly and I. Richardson). However, SCDC final decisions do not address the main issue, whether SCDC owes money and the amount (SCDC Kelly and Wright final decisions).

In its final decisions, SCDC could have easily determined how much it owes each appellant. In fact, appellants submit it was only "appropriate to the nature of the case" for SCDC to decide what it owes appellants (Logan, 102 S. Ct. at 1159). Because SCDC did not, appellants submit they were denied hearing in a meaningful manner. The ALC rejected this contention (Kelly and Wright orders, pp. 11-12).

In sum, appellants submit the Court of Appeals should reverse the ALC decisions' failure to find that SCDC's final decisions deprived appellants of the opportunity to be heard at a meaningful time and in a meaningful manner in violation of due process under U.S. Constitution, Amendment 14 (S.C. Code §1-23-610(A)(1)(B)(a)).

8. Concerning the Kelly and Wright orders, the ALC erred in its calculations of amounts owed.

For appellant Kelly, the ALC calculated $18,125.46 in back pay owed after deductions (Kelly order, p. 14). For appellant Wright, the ALC calculated $27,271.60 in back pay owed after deductions (Wright order, p. 15). In both calculations, the ALC applied a $5.15 prevailing wage rate.

Appellants contend the ALC calculations were legally and factually incorrect for the following reasons. The $5.15 prevailing wage was incorrect since $5.15 per hour was the federal minimum wage under 29 U.S.C. 206, not the prevailing wage under §24-3-430(D) for similar work in the private sector. ALC

calculations also do not agree with the work hours in Exhibit F, the pay data maintained by SCDC for all current and former inmates in this litigation (Kelly and I. Richardson Exhibit F's). Further, the ALC calculations do not pay overtime, despite SCDC official policy to pay overtime (SCDC ALC record documents 0075-0078). Finally, ALC calculations do not pay pre-judgment interest, despite §11-9-360 which states "obligations of the state, its agencies ..shall bear interest..".

For the above reasons, appellants submit the 2018 calculations of CPA George DuRant as the more accurate amounts due for Kelly and Wright (I. Richardson) (Kelly and I. Richardson DuRant calculations). The DuRant calculations apply the prevailing wage amounts found by Dr. Joe Benich in his 2004 opinion (Benich 2004 opinion in SCDC ALC record documents, pp. 0570-0578). Dr. Benich's estimates are the only evidence of prevailing wage amounts in the record, except for SCDC's $5.15 minimum wage figure. The DuRant calculations also applied the Exhibit F hours worked (Kelly and I. Richardson Exhibit F's); paid time and a half overtime pay for work over 75 hours bi-weekly (SCDC ALC record documents 0075-0078 overtime policy); and calculated pre-judgment interest up to July 2018 on amounts past due.

In sum, appellants submit the Court of Appeals should reverse the ALC calculations of amounts owed because the calculations violate statutory provisions; are affected by other error of law; are clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; and are arbitrary and capricious and characterized by an abuse of discretion and clearly unwarranted exercise of discretion (S.C. Code §1-23-610(A)(1)(B)(a)(d)(e)(f)).

CONCLUSION

In conclusion, for the Ackerman 139 orders, and the Brannon 26 orders,

appellants respectfully request the Court to reverse the ALC orders in issues 1-3, and remand to the ALC with instructions to, within 30 days, enter judgment for appellants in the amounts of back pay, and interest updated from July 2018 to present, in the DuRant calculations, which are in the ALC record. The ALC should also be instructed to, within 60 days, remand to SCDC with instructions to, within 30 days, make payments in the amounts of the DuRant calculations, with interest updated from July 2018 to present, less 40% attorney fee and reasonable pro rata costs, to be forwarded to Douglas H. Westbrook, attorney, with the balance paid to each appellant's Cooper trust account if incarcerated; or to Douglas H. Westbrook, attorney, for payment to each releasee, less 40% attorney fee and reasonable pro rata costs.

For the Kelly and Wright orders, appellants respectfully request the Court to reverse the ALC orders in issues 4-8, and remand to the ALC with instructions to, within 30 days, enter judgment for appellant Kelly in the amounts of $62,697.30 in underpaid wages and $86,347.71 in interest, to be updated from July 2018 to present, per the DuRant calculations; and for appellant Wright (I. Richardson) in the amounts of $121,925.93 in underpaid wages and $127,142.30 in interest, to be updated from July 2018 to present, per DuRant calculations. The ALC should also be instructed to, within 60 days, remand to SCDC with instructions to, within 30 days, make payments of, for Kelly, $62,697.30 in underpaid wages, and $86,347.71 in interest, to be updated from July 2018 to present; and for Wright, $121,925.93 in underpaid wages and $127,142.30 in interest, to be updated from July 2018 to present; payment to be made to Douglas H. Westbrook, attorney, for payment to Kelly and Wright, less 40% attorney fee and reasonable pro rata costs.

Respectfully submitted,

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