

THE STATE OF SOUTH CAROLINA  
In The Court Of Appeals

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APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas  
G. Thomas Cooper, Jr., Circuit Court Judge

Case No. 2007-CP-23-3206  
Appellate Case No. 2013-001607

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

v.

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

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

Case No. 12-ALJ-30-0086-CC  
Appellate Case No. 2013-000114

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MAY 02 2014  
**SC Court of Appeals**

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

v.

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

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APPELLANT'S RETURN TO RESPONDENT'S  
MOTION TO AMEND BRIEF AND DESIGNATION

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Respondent has moved to amend its initial brief and designation of matter to be included in the Record on Appeal so as to eliminate designations of matter that were never presented to

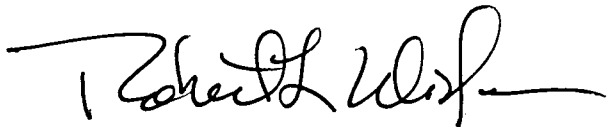
the trial court and to amend its brief accordingly. See Rule 210(c), SCACR (record “shall not” include matter not presented to the lower court). Appellant consents to and joins the motion.

Appellant further submits that the following additional amendments to Respondent’s brief and designation are necessary to bring those documents into compliance with the SCACR:

1. Amend Respondent’s Designation (page 2) to eliminate the designation of the March 15, 2012, “E-mail of A. Lancaster to Shands/Bolger.”
2. Amend Respondent’s Initial Brief in the following manner:
  - a. at page 4, eliminate the following from the second full paragraph in the text: “(or as transmitted again with the footnote two weeks later)”;
  - b. at page 4, footnote 3, eliminate the sentence beginning “An email dated March 15, 2012 was . . .” and the remainder of footnote 3, leaving only the first two sentences in footnote 3; and
  - c. at page 30, footnote 19, eliminate the sentence beginning with “See the testimony of . . .” and also eliminate the following citation at the end of that sentence: “See note 10, infra.”

Accordingly, Appellant joins Respondent’s Motion to Amend Brief and Designation, and Appellant submits that the foregoing additional amendments must also be made to Respondent’s Brief and Designation.

Respectfully Submitted,



Robert L. Widener  
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Jeffrey Allen  
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(803) 799-9800  
Attorneys for Appellant\

May 1, 2014  
Columbia, SC

THE STATE OF SOUTH CAROLINA  
In The Court Of Appeals

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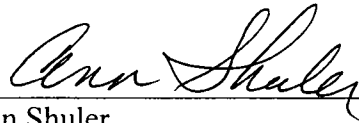
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CERTIFICATE OF SERVICE

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I, Ann Shuler, an employee of McNair Law Firm, certify that I served the Appellant's Return to Respondent's Motion to Amend Brief and Designation by placing a true and correct copy in the U.S. Mail, sufficient postage pre-paid to counsel of record at the addresses shown below, on May 1, 2014:

Keith McCook, Esq.  
Frank S. Potts, Esq.  
Office of General Counsel  
State Budget and Control Board  
1201 Main Street, Suite 410  
Columbia, South Carolina 29211

A handwritten signature in cursive script, reading "Ann Shuler", written in black ink. The signature is positioned above a horizontal line.

Ann Shuler

May 1, 2014

Robert L. Widener

rwidener@mcnair.net  
T 803.799.9800  
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Honorable Jenny Abbott Kitchings  
Clerk of Court  
S.C. Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

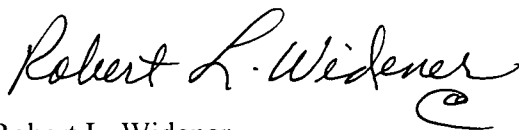
Re: International Paper Company, Inc. v. South Carolina State Energy  
Office  
Appellate Case Nos. 2013-000114 and 2013-001607

Dear Madam Clerk:

Please find enclosed for filing, the original and seven copies of the *Appellant's Return to Respondent's Motion to Amend Brief and Designation*. Please file the Return in your office, and return the file stamped extra copy to me in the return envelope provided. By copy of this letter, we are serving counsel for the Respondent with a copy of same.

Respectfully yours,

McNAIR LAW FIRM, P.A.



Robert L. Widener  
SC Bar No. 6089

RLW/as  
Enclosures

cc: Keith McCook, Esq.  
Frank S. Potts, Esq.

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SC Court of Appeals

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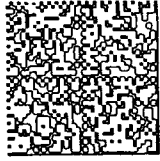
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**SC Court of Appeals**

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