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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM OCONEE COUNTY
Court of Common Pleas

R. Lawton McIntosh, Circuit Court Judge

Case No. 2013-CP-37-575

Duke Energy Carolinas, LLC,

Respondent,

v.

Randall S. Hiller and Janet C.
Hiller,

Appellant.

RETURN TO MOTION TO DISMISS

The Appellant, responding to the Motion to Dismiss of the Respondent, would show unto this Honorable Court as follows:

The factual allegations set forth in the Respondent's Motion are not facts that are supported by anything contained within the Record presented to the Appellate Court.

Notwithstanding the above, S.C.R.C.P. Rule 59(c) provides that a motion to alter or amend the judgment "shall be served not later than ten days after receipt of written notice of the entry of the Order". (emphasis added)

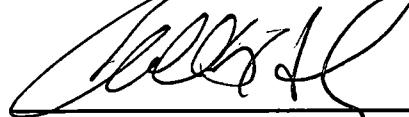
The dates of receipt of the relevant Orders are as set forth in the Notice of Appeal.

Accordingly, the Motion to Dismiss should be denied.

Respectfully submitted,

November 2, 2015

RANDALL S. HILLER, P.A.

A handwritten signature in black ink, appearing to read "R. Hiller", written over a horizontal line.

Randall S. Hiller
850 Wade Hampton Blvd.
Greenville, South Carolina 29609
(864) 232-0026
Attorney for Appellant

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Hiller,

Appellant.

PROOF OF SERVICE

I certify that I have served the Return to Motion to Dismiss on Duke Energy Carolinas, LLC by depositing a copy of it in the United States Mail, postage prepaid, on November 3, 2015, addressed to its attorney of record, James W. Logan, Post Office Box 259, Anderson, South Carolina 29622.

November 3, 2015



Randall S. Hiller
850 Wade Hampton Blvd.
Greenville, South Carolina 29609
(864) 232-0026
Attorney for Appellant

RANDALL S. HILLER, P.A.
ATTORNEYS AT LAW

850-B WADE HAMPTON BOULEVARD
GREENVILLE, SOUTH CAROLINA 29609

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SC Court of Appeals
(864) 252-0026
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RANDALL S. HILLER
EMAIL: rsh@rshpa.org

November 3, 2015

SC Court of Appeals
Attn: Clerk
1015 Sumter Street
Columbia, SC 29201

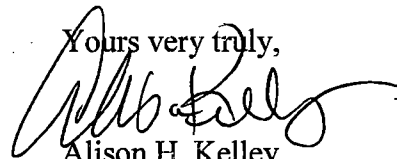
Re: Duke Energy Carolinas, LLC (Respondent) v. Randall S. Hiller and Janet C. Hiller (Appellants)
C.A. No.: 2013-CP-37-575

Dear Madam Clerk:

Please find enclosed one original and two copies of Appellants' Return to Motion to Dismiss regarding the above. Please file the original and return the stamped copies to me in the envelope provided.

By copy of this letter I am providing opposing counsel with same.

Yours very truly,



Alison H. Kelley
Paralegal to Randall S. Hiller

/ak

Enclosures

cc: James Logan, Esq.

RANDALL S. HILLER, P.A.
ATTORNEYS AT LAW

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GREENVILLE, SOUTH CAROLINA 29609



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