

THOMAS H. POPE III  
W. CHAD JENKINS  
KYLE B. PARKER

# DOPE & HUDGENS ATTORNEYS, P.A.

JOSEPH W. HUDGENS  
*Of Counsel*  
THOMAS H. POPE  
(1913-1999)

1508 COLLEGE STREET-P.O. BOX 190  
NEWBERRY, SOUTH CAROLINA 29108  
PHONE (803) 276-2532 FAX (803) 276-8684  
WWW.POPEANDHUDGENS.COM

May 26, 2016

**VIA U.S. MAIL & FAX TO (803) 734-1839**

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

RE: Oien Family Investments, LLC v. Piedmont Municipal Power Agency  
Appellate Case No. 2016-001037

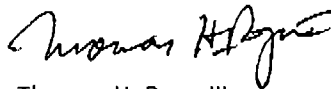
Dear Ms. Kitchings:

On behalf of appellant, I enclose herein a copy of the Form 4 Order of Circuit Judge R. Lawton McIntosh in this case which is dated May 17, 2016 (filed May 20, 2016). We had understood that Judge McIntosh had already previously denied the motion to reconsider his Amended Order and had filed our Notice of Appeal on May 18. Thereafter, this Form 4 Order was filed on May 20. We received it May 23 when I was out of town at a conference. I understand from our case manager, Ms. Amelia Smith, that an Amended Notice of Appeal is not required at this time.

With kind regards.

Sincerely,

POPE AND HUDGENS, P.A.



Thomas H. Pope III

THP III/ba  
Enclosure

- cc: The Honorable Jackie S. Bowers, Newberry County Clerk of Court, w/encls. *(via mail only)*
- Bruce Bannister, Esquire, w/encls. *(via email only)*
- O. W. "Bill" Bannister, Jr., Esquire, w/encls. *(via email only)*
- Luke Burke, Esquire, w/encls. *(via email only)*
- Ms. Amelia Smith, Appellate Case Manager *(via fax only)*

FORM 4

STATE OF SOUTH CAROLINA  
COUNTY OF NEWBERRY  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2015-CP-36-120

Oien Family Investments, LLC.

Piedmont Municipal Power Agency

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
	or <input type="checkbox"/> Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.  See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);  Other
- ACTION STRICKEN (CHECK REASON):  Rule 40(j), SCRPC;  Bankruptcy;  Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):  
 Affirmed;  Reversed;  Remanded;  Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order (formal order to follow)  Statement of Judgment by the Court:

ORDER INFORMATION

PLAINTIFF'S MOTION FOR RECONSIDERATION AND MOTION TO ALTER AND AMEND UNDER RULES 52,59, AND 60 REGARDING THE AMENDED ORDER DATE MAY 9, 2016 IS DENIED; NO FORMAL ORDER REQUESTED

This order  ends  does not end the case.  
Additional Information for the Clerk :

*(RM)*  
*See next page*

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order.

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

*(RM)*  
Circuit Court Judge

2153  
Judge Code

5-17-16  
Date

**For Clerk of Court Office Use Only**

This judgment was entered on the 20<sup>th</sup> day of May 2016 and a copy mailed first class or placed in the appropriate attorney's box on this 20<sup>th</sup> day of May 2016 to attorneys of record or to parties (when appearing pro se) as follows:

James H. Popell III  
PO Box 190  
Durham, NC 27708  
ATTORNEY(S) FOR THE PLAINTIFF(S)

Oscar W. Bannister  
PO Box 10007  
Greenville, SC 29603  
ATTORNEY(S) FOR THE DEFENDANT(S)  
Jackie S. Boullers  
CLERK OF COURT

**Court Reporter:**

**ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.**

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

(RU) This ORDER is directed to the Amended ORDER denying Plaintiffs relief. The Amended order clarified that no attorney's fees or costs were being awarded.

THOMAS H. POPE III  
W. CHAD JENKINS  
KYLE B. PARKER

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NEWBERRY, SOUTH CAROLINA 29108  
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### FAX COVER SHEET

Date: 5/26/16

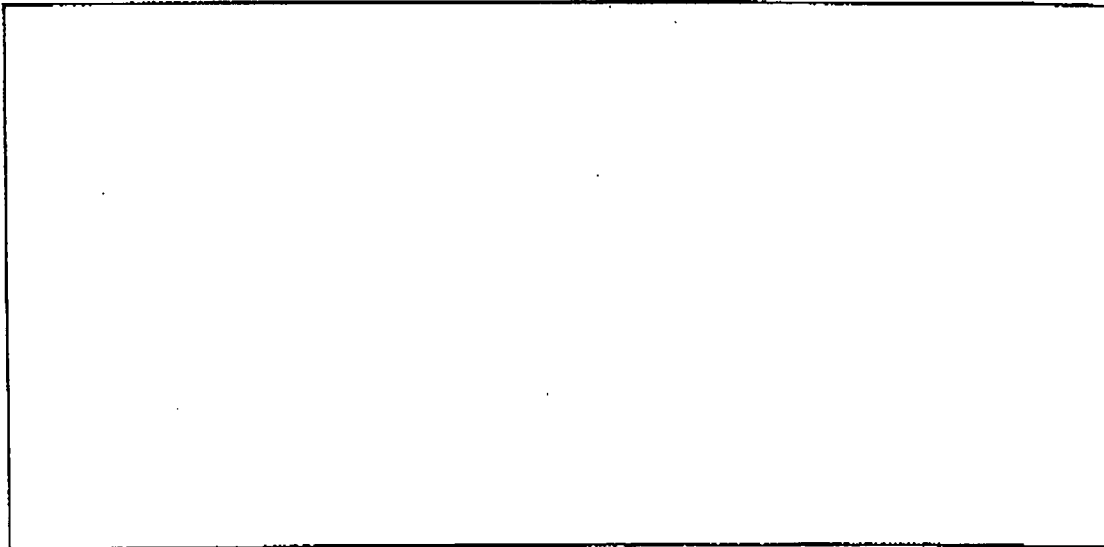
To: The Honorable Jenny Abbott Kitchings From: Betsy Alexander for Tom Pope

Fax: 803-734-1839

Re: Appellate Case No. 2016-001037

TOTAL PAGES (including cover sheet): 3

MESSAGE:



CONFIDENTIALITY NOTE:

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If you should have any problem receiving this fax or all of its contents, please call (803) 276-2532.