

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

John C. Hayes, III, Circuit Court Judge

RECEIVED
MAR 05 2018
SC Court of Appeals

C.A. No.: 2017-CP-08-2099

Chris Kolbe and Ruth Ann Keffer,
on behalf of themselves and all others similarly situated, Respondents,

v.

South Carolina Public Service Authority, an Agency of the State of South Carolina; W. Leighton Lord, III, in his capacity as chairman and director of the South Carolina Public Service Authority; William A. Finn, in his capacity as director of the South Carolina Public Service Authority; Barry Wynn, in his capacity as director of the South Carolina Public Service Authority; Kristofer Clark, in his capacity as director of the South Carolina Public Service Authority; Merrell W. Floyd, in his capacity as director of the South Carolina Public Service Authority; Calhoun Land, IV, in his capacity as director of the South Carolina Public Service Authority; Stephen H. Mudge, in his capacity as director of the South Carolina Public Service Authority; Peggy H. Pinnell, in her capacity as director of the South Carolina Public Service Authority; Dan J. Ray, in his capacity as director of the South Carolina Public Service Authority; David F. Singleton, in his capacity as director of the South Carolina Public Service Authority; Jack F. Wolfe, in his capacity as director of the South Carolina Public Service Authority; South Carolina Electric & Gas Company; and SCANA Corporation,..... Defendants.

Of Whom:

South Carolina Electric & Gas Company and SCANA Corporation are..... Appellants.

NOTICE OF APPEAL

South Carolina Electric & Gas Company ("SCE&G") and SCANA Corporation ("SCANA") appeal the Order in this matter filed on March 2, 2018, denying SCE&G's and SCANA's motion to strike the jury demand set forth in the Complaint in this case (which

Complaint seeks solely equitable relief) and ruling on the merits of and effectively striking certain of SCE&G's and SCANA's affirmative defenses. SCE&G and SCANA received written notice of the entry of the Order on March 2, 2018. A copy of the Order is attached to this Notice as Exhibit A.

Pursuant to Rule 214, SCACR, SCE&G and SCANA further ask that this appeal be consolidated with their or its appeals in the related cases of *LeBrian Cleckley v. SCE&G, et al.* (Case No. 2017-CP-40-04833, Richland County Court of Common Pleas); *Edwinda Goodman, et al., v. SCANA Corporation and SCE&G* (Case No. 2017-CP-20-00300, Fairfield County Court of Common Pleas); *Jessica S. Cook v. Santee Cooper et al.* (Case No. 2017-CP-25-00348, Hampton County Court of Common Pleas); and *Richard Lightsey v. SCE&G* (Case No. 2017-CP-25-00335, Hampton County Court of Common Pleas) as the appeals arise from the same order which was entered in each of these related cases, all of which are subject to the South Carolina Supreme Court's Order No. 2017-10-31-01.

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Gas Company and SCANA*

March 5, 2018

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Of Whom:

South Carolina Electric & Gas Company and SCANA Corporation are..... Appellants.

PROOF OF SERVICE

I, the undersigned employee of Haynsworth Sinkler Boyd, P.A., do hereby certify that I have caused the foregoing to be served via U.S. mail, postage prepaid, *or by other delivery as indicated*, to all parties of record at the addresses shown below.

1. *Notice of Appeal*

Parties of Record

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HAYNSWORTH SINKLER BOYD, P.A.

March 5, 2018
Columbia, South Carolina

By: Reeve H. Ballew
Reeve H. Ballew
Legal Assistant to James Y. Becker

Haynsworth
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March 5, 2018

The Honorable Mary Brown
Berkeley County Clerk of Court
P.O. Box 219
Moncks Corner, SC 29461-0219

Re: *Chris Kolbe, et al. v. South Carolina Public Service Authority, et al.*
C. A. No. 2017-CP-08-2009

Dear Ms. Brown:

Enclosed for filing are two copies of the Notice of Appeal in regards to the above referenced matter. Please clock in both copies and return one to me in the enclosed self-addressed stamped envelope.

Thank you for your assistance in this matter.

Sincerely yours,


James Y. Becker

JYB/jmb
Enclosures

RECEIVED
MAR 05 2018
SC Court of Appeals

cc: Clayton B. McCullough, Esq.
Ross A. Appel, Esq.
James L. Ward, Jr., Esq.
Ranee Saunders, Esq.
B. Rush Smith III, Esq.
William C. Hubbard, Esq.
A. Mattison Bogan, Esq.
Carmen Harper Thomas, Esq.
The Honorable Jenny Abbott Kitchings

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March 5, 2018

VIA HAND DELIVERY

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29201

Re: *Chris Kolbe, et al. v. South Carolina Public Service Authority, et al.*
C. A. No. 2017-CP-08-2009

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SC Court of Appeals

Dear Ms. Kitchings:

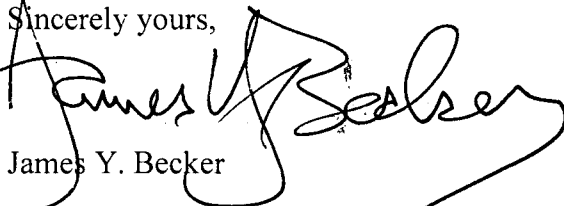
Enclosed please find the original and one (1) copy of the following for filing in regards to the above referenced matter:

- (1) Notice of Appeal including a copy of the Order appealed from marked as Exhibit A;
- (2) Proof of Service;
- (3) a firm check in the amount of \$100.00 for the filing fee; and
- (4) a copy of letter filing Notice of Appeal with the lower court.

Please return a clocked copy to me via our courier.

The transcript will be ordered within the timeframe allowed by the South Carolina Rules of Appellate Procedure.

Sincerely yours,



James Y. Becker

JYB/jmb
Enclosures

cc: Clayton B. McCullough, Esq.
Ross A. Appel, Esq.
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ATTORNEYS AND COUNSELORS AT LAW

The Honorable Jenny Abbott Kitchings

March 5, 2018

Page 2

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The Honorable Tonnya K. Kohn, South Carolina Court Administration