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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Jean Hoefler Toal, Chief Justice, Retired, Acting Circuit Court Judge

C.A. No.: 2019-CP-23-06675

Jessica S. Cook, et al.,

Plaintiffs,

v.

South Carolina Public Service Authority (also known as Santee Cooper), et al.,

Defendants.

Of Whom:

Defendants South Carolina Electric & Gas Company, SCANA Corporation, and
SCANA Services, Inc. are

Appellants.

and

Defendant South Carolina Public Service Authority (also known as Santee Cooper)
is

Respondent.

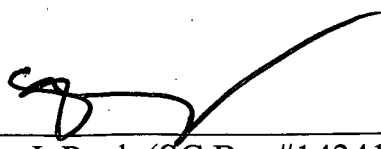
NOTICE OF APPEAL

Defendants South Carolina Electric & Gas Company, SCANA Corporation,
and SCANA Services, Inc. (collectively referred to as "SCE&G") appeal two
orders in this matter filed on November 21, 2019, denying SCE&G's motion to
compel arbitration and enjoining the arbitration that had been initiated between

SCE&G and Santee Cooper. An order refusing to compel arbitration is immediately appealable. S.C. Code Ann. § 15-48-200; *Liberty Builders, Inc. v. Horton*, 336 S.C. 658, 660 n.2 (Ct. App. 1999). So too is any “order that favors litigation over arbitration,” including the grant of “an injunction against arbitration.” *Towels v. United HealthCare Corp.*, 338 S.C. 29, (Ct. App. 1999).

The notice of appeal is timely. SCE&G received written notice of the entry of the orders on November 18, 2019. On November 21, 2019, SCE&G removed the litigation to federal court pursuant to the Class Action Fairness Act. “[O]nce the case was removed to federal court, the state court’s jurisdiction was suspended or held in abeyance until the case was properly remanded.” *Limehouse v. Hulsey*, 404 S.C. 93, 112–13 (2013). On January 21, 2020, the federal district court entered an order remanding the case back to state court. “When the state court resumed jurisdiction, it had a duty ‘to proceed as though no removal had been attempted.’” *Id.* (quoting *State v. Columbia Ry., Gas & Elec. Co.*, 112 S.C. 528, 537 (1919)). The time to file the notice of appeal was thus “tolled until the state court resumed jurisdiction.” *Limehouse*, 404 S.C. at 113. Copies of the orders are attached to this Notice as Exhibit A and Exhibit B.¹

¹ The case was transferred after these orders were issued, resulting in a new venue and a new case number. The orders remain binding and appealable.



Steven J. Pugh (SC Bar #14341)
RICHARDSON PLOWDEN & ROBINSON, P.A.
1900 Barnwell Street (29201)
Post Office Drawer 7788
Columbia, South Carolina 29202
803-771-4400
spugh@richardsonplowden.com

and

David L. Balsler (admitted *pro hac vice*)
Jonathan R. Chally (admitted *pro hac vice*)
KING & SPALDING LLP
1180 Peachtree Street NE
Atlanta, Georgia 30309
404-572-4600
dbalsler@kslaw.com
jchally@kslaw.com

***ATTORNEYS FOR APPELLANTS SCANA
CORPORATION, SOUTH CAROLINA
ELECTRIC & GAS COMPANY, AND SCANA
SERVICES, INC.***

February 7, 2020

Other Counsel of Record:

B. Rush Smith, III, Esquire (SC Bar #12941)
William C. Hubbard, Esquire (SC Bar #2739)
A. Mattison Bogan, Esquire (SC Bar #72629)
Carmen Harper Thomas, Esquire (SC Bar #76012)
Nelson Mullins Riley & Scarborough, LLP
1320 Main Street, 17th Floor
Post Office Box 11070 (29211-1070)
Columbia, South Carolina 29201
(803) 799-2000
Rush.smith@nelsonmullins.com
William.hubbard@nelsonmullins.com
Matt.bogan@nelsonmullins.com

Carmen.thomas@nelsonmullins.com

**ATTORNEYS FOR RESPONDENT SOUTH CAROLINA PUBLIC SERVICE
AUTHORITY (A/K/A SANTEE COOPER) AND DIRECTOR DEFENDANTS
W. LEIGHTON LORD, III; WILLIAM A. FINN; BARRY WYNN;
KRISTOPHER CLARK; MERRELL W. FLOYD; J. CALHOUND LAND, IV;
STEPHEN H. MUDGE; PEGGY H. PINNELL; DAN J. RAY; DAVID F.
SINGLTON; AND JACK F. WOLFE, JR.**

J. Preston Strom, Jr. (SC Bar #5400)
Jessica L. Fickling (SC Bar #100161)
STROM LAW FIRM, LLC
2110 Beltline Boulevard
Columbia, South Carolina 29204
(803) 252-4800
petestrom@stromlaw.com
jfickling@stromlaw.com

Clayton B. McCullough (SC Bar #13722)
Ross A. Appel (SC Bar #79149)
McCULLOUGH KHAN, LLC
359 King Street, Suite 200
Charleston, South Carolina 29401
(843) 937-0400
clay@mklawsc.com
ross@mklawsc.com

James L. Ward, Jr. (SC Bar #13453)
Ranee Saunders (SC Bar #100073)
Whitney Harrison (SC Bar #100111)
McGOWAN, HOOD & FELDER, LLC
321 Wingo Way, Suite 103
Mt. Pleasant, South Carolina 29464
(843) 388-7202
jward@mcgowanhood.com
rsaunders@mcgowanhood.com
wharrison@mcgowanhood.com

Daniel A. Speights (SC Bar #5207)
A. Gibson Solomons, III (SC Bar #68291)
SPEIGHTS & SOLOMONS, LLC
100 Oak Street, East
Hampton, South Carolina 29924
(803) 943-4444
dspeights@speightsandsolomons.com
gsolomons@speightsandsolomons.com

Terry E. Richardson, Jr. (SC Bar #4721)
Edward J. Westbrook (SC Bar #6040)
Jerry H. Evans (SC Bar #11658)
Daniel S. Haltiwanger (SC Bar #15705)
RICHARDSON, PATRICK, WESTBROOK & BRICKMAN, LLC
Post Office Box 1368
Barnwell, South Carolina 29812
(803) 541-7850
trichardson@rpwb.com
ewestbrook@rpwb.com
jevans@rpwb.com
dhaltiwanger@rpwb.com

Gregory M. Galvin (SC Bar #73988)
GALVIN LAW GROUP, LLC
Post Office Box 887
Bluffton, South Carolina 29910
(843) 227-2231
Ggalvin@galvinlawgroup.com

Vincent A. Sheheen (SC Bar #11552)
SAVAGE ROYALL & SHEHEEN, L.L.P.
Post Office Drawer 10
Camden, South Carolina 29021
(803) 432-4391
vsheheen@thesavagefirm.com

ATTORNEYS FOR PLAINTIFFS

Amer Shahid Ahmed, Esquire
Gibson, Dunn & Crutcher

200 Park Avenue
New York, New York 10166-0193
(212) 351-2427
aahmed@gibsondunn.com

ATTORNEYS FOR DEFENDANT DIRECTOR DAN J. RAY

D. Jay Davis, Jr., Esquire (SC Bar #12084)
Michael A. Molony, Esquire (SC Bar #4026)
Young Clement Rivers, LLP
Post Office Box 993
Charleston, South Carolina 29402
(843) 720-5415
jdavis@ycrlaw.com
mmolony@ycrlaw.com

Daniel "Danny" E. Henderson, Esquire (SC Bar #2912)
Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A.
101 Mulberry Street East
Post Office Box 457
Hampton, South Carolina 29924
(843) 726-6131
dhenderson@pmped.com

***ATTORNEYS FOR DEFENDANT PALMETTO ELECTRIC COOPERATIVE,
INC.***

Frank R. Ellerbe, III, Esquire (SC Bar #1866)
Elizabeth "Betsy" Van Doren Gray, Esquire (SC Bar #2434)
Kevin K. Bell, Esquire (SC Bar #65495)
Robert "Bobby" E. Stepp, Esquire
Robinson Gray Stepp & Laffitte, LLC
Post Office Box 11449
Columbia, South Carolina 29211
(803) 929-1400
fellerbe@robinsongray.com
egrays@robinsongray.com
kbells@robinsongray.com
rstepps@robinsongray.com

James A. Orr, Esquire
Lee A. Peifer, Esquire
Eversheds Sutherlands (US), LLP
999 Peachtree Street, NE, Suite 2300
Atlanta, Georgia 30309-3996
(404)853-8000
jamesorr@eversheds-sutherland.com
leepeifer@eversheds-sutherland.com

DEFENDANT CENTRAL ELECTRIC POWER COOPERATIVE, INC.

CERTIFICATE OF SERVICE

I, the undersigned, an employee of Richardson Plowden & Robinson, P.A., for Defendants and Appellants SCANA Corporation, South Carolina Electric & Gas Company, and SCANA Services, Inc. (collectively, "SCE&G"), do hereby certify that I have this date served the foregoing Notice of Appeal, dated February 7, 2020, and attached two orders denying SCE&G's motion to compel arbitration and enjoining the arbitration initiated by SCE&G, by personally: (1) filing a copy of the same with The Honorable Paul B. Wickensimer, Greenville County Clerk of Court, using the South Carolina Courts E-Filing System, and (2) depositing a copy of the same in a United States Postal Service mailbox, postage prepaid, addressed to the parties indicated below:

B. Rush Smith, III, Esquire (SC Bar #12941)
William C. Hubbard, Esquire (SC Bar #2739)
A. Mattison Bogan, Esquire (SC Bar #72629)
Carmen Harper Thomas, Esquire (SC Bar #76012)
Nelson Mullins Riley & Scarborough, LLP
1320 Main Street, 17th Floor
Post Office Box 11070 (29211-1070)
Columbia, South Carolina 29201
(803) 799-2000
Rush.smith@nelsonmullins.com
William.hubbard@nelsonmullins.com
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J. Preston Strom, Jr. (SC Bar #5400)
Jessica L. Fickling (SC Bar #100161)
STROM LAW FIRM, LLC
2110 Beltline Boulevard
Columbia, South Carolina 29204
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petestrom@stromlaw.com
jfickling@stromlaw.com

Clayton B. McCullough (SC Bar #13722)
Ross A. Appel (SC Bar #79149)
McCULLOUGH KHAN, LLC
359 King Street, Suite 200
Charleston, South Carolina 29401
(843) 937-0400
clay@mklawsc.com
ross@mklawsc.com

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Ranee Saunders (SC Bar #100073)
Whitney Harrison (SC Bar #100111)
McGOWAN, HOOD & FELDER, LLC
321 Wingo Way, Suite 103
Mt. Pleasant, South Carolina 29464
(843) 388-7202
jward@mcgowanhood.com
rsaunders@mcgowanhood.com
wharrison@mcgowanhood.com

Daniel A. Speights (SC Bar #5207)
A. Gibson Solomons, III (SC Bar #68291)
SPEIGHTS & SOLOMONS, LLC
100 Oak Street, East
Hampton, South Carolina 29924
(803) 943-4444
dspeights@speightsandsolomons.com
gsolomons@speightsandsolomons.com

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trichardson@rpwb.com
ewestbrook@rpwb.com
jevans@rpwb.com
dhaltiwanger@rpwb.com

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Post Office Box 887
Bluffton, South Carolina 29910
(843) 227-2231
Ggalvin@galvinlawgroup.com

Vincent A. Sheheen (SC Bar #11552)
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Post Office Drawer 10
Camden, South Carolina 29021
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Amer Shahid Ahmed, Esquire
Gibson, Dunn & Crutcher
200 Park Avenue
New York, New York 10166-0193
(212) 351-2427
aahmed@gibsondunn.com

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Young Clement Rivers, LLP
Post Office Box 993
Charleston, South Carolina 29402
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jdavis@ycrlaw.com
mmolony@ycrlaw.com

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dhenderson@pmped.com

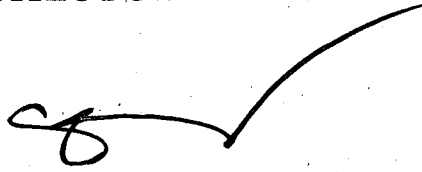
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Robinson Gray Stepp & Laffitte, LLC
Post Office Box 11449
Columbia, South Carolina 29211
(803) 929-1400
fellerbe@robinsongray.com
egray@robinsongray.com
kbell@robinsongray.com
rstepp@robinsongray.com

James A. Orr, Esquire
Lee A. Peifer, Esquire
Eversheds Sutherlands (US), LLP
999 Peachtree Street, NE, Suite 2300
Atlanta, Georgia 30309-3996
(404)853-8000
jamesorr@eversheds-sutherland.com

leepeifer@eversheds-sutherland.com

DEFENDANT CENTRAL ELECTRIC POWER COOPERATIVE, INC.



Steven J. Pugh (SC Bar #14341)
RICHARDSON PLOWDEN & ROBINSON, P.A.
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