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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

J. Mark Hayes, II, Circuit Court Judge

RECEIVED

APR 23 2020

SC Court of Appeals

C.A. No.: 2017-CP-40-06621

Teresa Parler, derivatively on behalf of SCANA Corporation,

Plaintiff,

v.

Kevin Marsh, Gregory Aliff, James Bennett, John Cecil, Sharon Decker, Maybank Hagood, Lynne Miller, James Roquemore, Maceo Sloan, Alfredo Trujillo, Jimmy Addison, and Steven Byrne,

Defendants,

and

SCANA Corporation,

Nominal Defendant.

Of Whom:

Nominal Defendant SCANA Corporation and Defendants Kevin Marsh, Gregory Aliff, James Bennett, John Cecil, Sharon Decker, Maybank Hagood, Lynne Miller, James Roquemore, Maceo Sloan, Alfredo Trujillo, Jimmy Addison, and Steven Byrne are

Appellants.

and

Plaintiff Teresa Parler, derivatively on behalf of SCANA Corporation, is

Respondent.

NOTICE OF APPEAL

Nominal Defendant SCANA Corporation and Defendants Kevin Marsh, Gregory Aliff, James Bennett, John Cecil, Sharon Decker, Maybank Hagood, Lynne Miller, James Roquemore, Maceo Sloan, Alfredo Trujillo, Jimmy Addison, and Steven Byrne (collectively, “Defendants”) appeal the order in this matter filed on March 18, 2020, denying Defendants’ SCRPC Rule 12(c) motion to dismiss for lack of derivative standing and granting Teresa Parler’s motion to intervene. The order is immediately appealable because it “involv[es] the merits,” S.C. Code § 14-3-330(1), and “affect[s] a substantial right,” § 14-3-330(2).¹

This notice of appeal is timely. SCANA received written notice of the entry of the order on March 18, 2020. A copy of the order is attached to this Notice as Exhibit A.

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

¹ Defendants are also filing a petition for a writ of certiorari in the Supreme Court of South Carolina relating to the same order.

Dated: April 16, 2020

Respectfully submitted,

s/ John A. Massalon

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Counsel for Plaintiff-Respondent Teresa Parler

CERTIFICATE OF SERVICE

I, the undersigned, an employee of Richardson Plowden & Robinson, P.A., for Nominal Defendant and Appellant SCANA Corporation, do hereby certify that I have this date served the foregoing Notice of Appeal, dated April 16, 2020, and attached the order granting Teresa Parler's motion to intervene and denying Defendants' SCRCRCP Rule 12(c) motion to dismiss for lack of derivative standing, by personally: (1) filing a copy of the same with The Honorable Jeanette McBride, Richland County Clerk of Court, using the South Carolina Courts E-Filing System, and (2) e-mailing a copy of the same on the following counsel of record using the primary email addresses listed in the Attorney Information System (if applicable):

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Counsel for Plaintiff-Respondent Teresa Parler

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APR 23 2020
SC Court of Appeals

A copy of the sent email is enclosed with this Proof of Service.

Dated: April 16, 2020

s/ Benjamin P. Carlton

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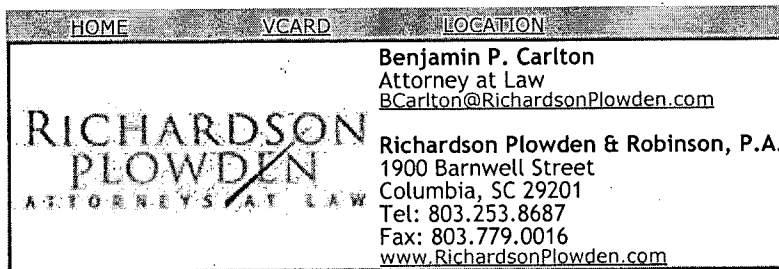
From: Ben Carlton
To: "mchappell@csa-law.com"; gnewman@csa-law.com; eagel@bespc.com; fortunato@bespc.com
Cc: IS Leevy Johnson (isli@itbpa.com); George Johnson (GEORGE@itbpa.com); Steve Pugh; Charity McQueen; Carmen Ganjehsani; Ben Carlton; "jmassalon@wmalawfirm.net"; Bill Coates (wac@roecassidy.com); "john.jordak@alston.com"; "meredith.kingsley@alston.com"; "Schmalzbach, Brian D."; Pumphrey, Brian E.; "Brady@bradyhair.com"; "Derk@bradyhair.com"; "Anne.Tompkins@cwt.com"; "Jonathan.Watkins@cwt.com"; "Aaron.Lang@cwt.com"; "jgriffin@griffindavislaw.com"; "mfox@griffindavislaw.com"; James Wyatt (JWyatt@wyattlaw.net); "rblake@wyattlaw.net"
Subject: Parler v. Marsh et al. - 2017-CP-40-00621 - Defendants' Notice of Appeal
Date: Thursday, April 16, 2020 2:28:00 PM
Attachments: Notice of Appeal - SC Court of Appeals -Combined (4-16-2020) (email).pdf

Counsel,

Please find attached a copy of Defendants' Notice of Appeal in the above-referenced matter, which is being filed contemporaneously herewith.

Thank you and stay safe.

Ben Carlton



The information contained in this e-mail message may be attorney-client privileged, attorney work product, or strictly confidential information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of the communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone at (803) 771-4400 and permanently delete this e-mail.

Reply to: **Benjamin P. Carlton**
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April 16, 2020

The Honorable Jenny Abbott Kitchings
Clerk of Court, S.C. Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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APR 23 2020

SC Court of Appeals

Re: SCANA Corporation et al. (Appellants) v. Teresa Parler (Respondent)
Case No.: 2017-CP-40-06621
RPR File No.: 3637-66

Dear Ms. Kitchings:

Enclosed for filing is the Notice of Appeal of the Appellants, SCANA Corporation, Kevin Marsh, Gregory Aliff, James Bennett, John Cecil, Sharon Decker, Maybank Hagood, Lynne Miller, James Roquemore, Maceo Sloan, Alfredo Trujillo, Jimmy Addison, and Steven Byrne, in the above-referenced case, along with a copy of the Order appealed from and our Certificate of Service. We have also filed this Notice of Appeal electronically with the Court of Appeals pursuant to the Appellate Court Filing System created on April 9, 2020.

Also enclosed is our firm's check in the amount of \$250.00 for the filing fee in this matter.

We have served this Notice of Appeal on the Clerk of Court for Richland County using the South Carolina Courts E-Filing System and via e-mail on all counsel of record pursuant to Section g(3) of the Order Regarding Operation of the Appellate Courts During the Coronavirus Emergency dated March 20, 2020. Additionally, we have mailed hard copies of the Notice of Appeal package to counsel for Respondent, Teresa Parler.

Should you have any questions regarding this matter, please do not hesitate to call.

Sincerely,



Benjamin P. Carlton

Enclosures

The Honorable Jenny Abbott Kitchings

April 16, 2020

Page 2

cc: Mark D. Chappell
Graham L. Newman
Lawrence P. Eigel
Melissa A. Fortunato

Master
04/17/2020
US POSTAGE \$001.80⁰⁰



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