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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE PUBLIC SERVICE COMMISSION

Appellate Case No. 2019-001354

Stephen and Beverly Noller and Michael and Nancy Halwig, Appellants,

v.

Daufuskie Island Utility Company, Incorporated and South Carolina Office of Regulatory Staff,
..... Respondents.

**RESPONDENT DIUC'S MOTION (WITH CONSENT) FOR
LEAVE TO FILE AN AMENDED FINAL BRIEF**

Pursuant to South Carolina Appellate Court Rules 240 and 211, the Respondent Daufuskie Island Utility Company, Inc. requests leave of this Court to file an Amended Final Brief. The relief requested is necessary to correct certain references to the Record on Appeal.

Just before the deadline for filing the Final Brief, it seems there was some confusion among the parties regarding the final version of the Record on Appeal. Two different versions of the Record were exchanged, but they had different page numbers. The Respondent's Final Brief refers to a version of the Record that was not filed.

Therefore, the Respondent seeks leave to file an Amended Final Brief with correct citations to match the Record on Appeal as ultimately filed by the Appellant. Counsel for the Appellants and the Respondent South Carolina Office of Regulatory Staff have consented to this Motion, as indicated by their signatures below.

/s/ Thomas P. Gressette, Jr.

Thomas P. Gressette, Jr. (SC Bar # 14065)

Direct: (843) 727-2249

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WALKER GRESSETTE FREEMAN & LINTON, LLC

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Office: 66 Hasell Street, Charleston, SC 29401

Phone: (843) 727-2200

**ATTORNEYS FOR THE RESPONDENT,
DAUFUSKIE ISLAND COMPANY, INC.**

July 23, 2020 Charleston,
South Carolina

WE SO MOVE:

/s/ Andrew Bateman

Andrew Bateman, Esq.

Jeffrey M. Nelson, Esq.

Office of Regulatory Staff

1401 Main Street, Suite 900

Columbia, South Carolina 29201

Counsel for Respondent

S.C. Office of Regulatory Staff

July 23, 2020

Dated

WE SO CONSENT:

/s/ Newman Jackson Smith

Newman Jackson Smith

Nelson Mullins Riley & Scarborough, LLP

151 Meeting Street, 6th Floor

Charleston, SC 29401

Counsel for Appellants

Noller and Halwig

July 23, 2020

Dated

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..... Respondents.

PROOF OF SERVICE

The undersigned hereby certifies that on this 23rd day of July, 2020, in Charleston, South Carolina, a copy of **RESPONDENT'S MOTION (WITH CONSENT) FOR LEAVE TO FILE AN AMENDED FINAL BRIEF** was served on counsel of record, by placing same in the United States Mail, first class postage prepaid as follows:

Andrew Bateman, Esq. Jeffrey M. Nelson, Esq. Office of Regulatory Staff 1401 Main Street, Suite 900 Columbia, South Carolina 29201 <i>Counsel for Respondent</i> <i>S.C. Office of Regulatory Staff</i>	Newman Jackson Smith Nelson Mullins Riley & Scarborough, LLP 151 Meeting Street, 6 th Floor Charleston, SC 29401 <i>Counsel for Appellants</i> <i>Noller and Halwig</i>
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Kim H. Weldin

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G. Trenholm Walker
Thomas P. Gressette, Jr.
Ian W. Freeman
John P. Linton, Jr.
Charles P. Summerall, IV
Jennifer S. Ivey

THOMAS P. GRESSETTE, JR.
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July 23, 2020

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VIA ELECTRONIC FILING AND US MAIL

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

Re: *Stephen and Beverly Noller and Michael and Nancy Halwig, Appellants, v. Daufuskie Island Utility Company, Inc., Respondent*
Appellate Case No. 2019-001354

Dear Ms. Kitchings:

Enclosed please find one (1) copy of Respondent Daufuskie Island Utility Company, Inc.'s Consent Motion for Leave to File An Amended Final Brief with Proof of Service. These documents were submitted electronically to the Court of Appeals for filing on July 23, 2020. Per the Supreme Court of South Carolina regarding Operation of the Appellate Courts During the Coronavirus Emergency, I am only submitting one (1) copy via U.S. mail as a courtesy. Should any additional copies be required, please do not hesitate to contact me immediately at (843) 727-2249.

Also enclosed is our firm check in the amount of \$50.00 constituting the filing fee.

By copy of this letter, I am serving all counsel of record with the documents as set forth in the enclosed Proof of Service.

Sincerely,

/s/
Thomas P. Gressette, Jr.

Enclosures (As stated)

cc: Newman Jackson Smith
Andrew M. Bateman
Jeffrey M. Nelson
Jocelyn Boyd, PSC (via email only)

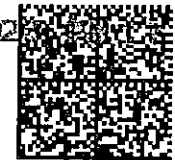
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