

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BERKELEY COUNTY
In the Court of Common Pleas

Roger M. Young, Sr., Circuit Court Judge

Case No. 2020-CP-08-00821

RECEIVED

Nov 02 2020

SC Court of Appeals

City of Goose Creek,.....Appellant,

v.

South Carolina Public Service Authority,.....Respondent.

NOTICE OF APPEAL

Pursuant to Rule 203, SCACR, Appellant City of Goose Creek appeals the Declaratory Judgment Order of the Honorable Roger M. Young, Sr., dated October 12, 2020. Appellant received electronic notice of the entry of the Declaratory Judgment Order on October 12, 2020. A copy of the Declaratory Judgment Order is attached hereto.

Pursuant to Rule 59(e), SCRCR, Appellant timely filed a Motion to Reconsider, Alter, and Amend Order on October 22, 2020. According to Rule 203(b)(1), SCACR, the timely filing of a Rule 59 Motion stayed the time for filing an appeal. On November 2, 2020 the Honorable Roger M. Young, Sr. entered an Order Denying Appellant's Motion to Reconsider, Alter, and Amend Order. Appellant received electronic notice of the entry of the Order denying the Rule 59(e) motion on November 2, 2020. A copy of the Order denying the Rule 59(e) motion is also attached hereto.

Upon the entry of the order denying the Rule 59(e) motion, Appellant hereby timely appeals from both orders.

Respectfully submitted,

s/Mitchell Willoughby

Mitchell Willoughby, S.C. Bar No. 6161

Tracey C. Green, S.C. Bar No. 9342

Andrew R. Hand, S.C. Bar No. 101633

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Attorneys for Appellant City of Goose Creek

November 2, 2020
Columbia, South Carolina

Other Counsel of Record:

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*Attorneys for Respondent
South Carolina Public Service Authority*

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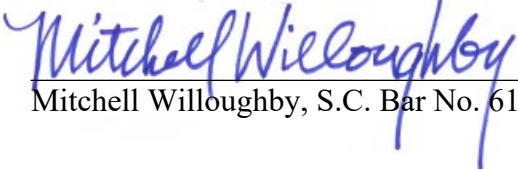
PROOF OF SERVICE

This is to certify that the undersigned counsel, a shareholder with the law firm Willoughby & Hoefler, P.A., has caused to be served this day one (1) copy of Appellant City of Goose Creek's **Notice of Appeal** via electronic mail at the email address as stated in the Attorney Information System and as set forth below to the following:

John T. Lay, Jr., Esquire
Lindsay A. Joyner, Esquire
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Attorneys for Respondent South Carolina Public Service Authority

A copy of the email serving counsel for Respondent, is attached hereto.



Mitchell Willoughby, S.C. Bar No. 6161

November 2, 2020
Columbia, South Carolina

From: [Mitchell Willoughby](#)
To: [John T. Lay](#); [Lindsay Joyner](#); [Jordan Crapps](#)
Cc: [Timothy A. Domin \(tdomin@clawsonandstaubes.com\)](#); [Tracey Green](#); [Andrew R. Hand](#)
Subject: City of Goose Creek v. South Carolina Public Service Authority | C/A No. 2020-CP-08-00821
Date: Monday, November 2, 2020 4:19:28 PM
Attachments: [2020-11-02 Filing ltr re NOA - Goose Creek vs SCPSA.pdf](#)
[2020-11-02 NOA - Goose Creek v SCPSA.pdf](#)

Counsel,

As permitted by part (g)(3) of Supreme Court Order 2020-05-29-02, I am herewith serving via email Appellant City of Goose Creek's Notice of Appeal in the above-captioned matter. Shortly, I will be filing these documents with the Court of Appeals electronically as permitted by part c(6) of the Order, and will attach this email to the certificate of service of same.

Should you have any issues opening the attachments, please let me know. Thank you. With warmest regards,

Mitch



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IRS Circular 230 Disclosure: To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein. This advice may not be forwarded (other than within the taxpayer to which it was sent) without our express written consent.

WILLOUGHBY & HOEFER, P.A.
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*ALSO ADMITTED IN TEXAS

**ALSO ADMITTED IN WASHINGTON, D.C.

***ALSO ADMITTED IN CALIFORNIA

****ALSO ADMITTED IN NORTH CAROLINA

November 2, 2020

VIA ELECTRONIC FILING

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1229 Senate Street
Columbia, South Carolina 29201

RE: *City of Goose Creek, Appellant v. South Carolina Public Service Authority,
Respondent.*

Dear Ms. Kitchings:

Attached for electronic filing in accordance with Supreme Court Order 2020-05-29-02, part (c)(6), and pursuant to Rule 203 of the South Carolina Appellate Court Rules, please find the Notice of Appeal of Appellant City of Goose Creek in the above-captioned matter. As permitted by Order 2020-05-29-02, part (d), no other copies, whether paper or electronic, are being provided.

By copy of this letter, we are serving counsel for Respondent via email as permitted by Order 2020-05-29-02, part (g)(3), and attached is a proof of service to that effect.

A check in the amount of \$250.00 for the filing fee associated with this Notice of Appeal is being forwarded to your attention via U.S. Mail.

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SC Court of Appeals

(continued...)

The Honorable Jenny Abbott Kitchings

November 2, 2020

Page 2 of 2

If you have any questions or need additional information, please do not hesitate to contact me. With warmest regards, I am,

Very truly yours,

WILLOUGHBY & HOEFER, P.A.


Mitchell Willoughby

MW/lla
attachments

cc: John T. Lay, Jr., Esquire
Lindsay A. Joyner, Esquire
Jordan M. Crapps, Esquire