

**STATE OF SOUTH CAROLIA
IN THE
COURT OF APPEALS**

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SC Court of Appeals

Appeal from the Court of Common Pleas

For Horry County

Honorable Paul M. Burch, Circuit Court Judge

Civil Action No.: 2016-CP-26-07787

Appellate Case No.: 2021-000652

HAROLD G. WORLEY and THOMAS WADE LONG and
HAROLD G. WORLEY as SUCCESSOR TRUSTEE of
TRUST B of the SANDRA GAIL WORLEY IRREVOCABLE
TRUST UNDER TRUST AGREEMENT DATED JULY 31, 2010,

Appellants,

vs.

HORRY ELECTRIC COOPERATIVE, INC.,

MOTION TO DISMISS APPEAL

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Stephen P. Groves, Sr., Esquire

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*Attorneys for the Respondent,
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**TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA COURT
OF APPEALS:**

COMES NOW the Respondent, Horry Electric Cooperative, Inc. ("HEC"), pursuant to Rule 240, SCACR, and respectfully requests this Court of Appeals to issue an order dismissing the appeal filed by the Appellants, Harold G. Worley and Thomas Wade Long and Harold G. Worley as successor trustee of Trust B of the Sandra Gail Worley Irrevocable Trust under Trust Agreement dated July 31, 2010 (the "Worley Appellants"), in this matter. The basis for this motion is that the Worley Appellants failed to serve HEC's undersigned counsel of record with a copy of the *Notice of Appeal* as required by Rule 203(b)(1), SCACR, within 30 days after receipt of written notice of entry of the appealed order.

I. STATEMENT OF THE FACTS AND THE CASE

A workshop owned by the Appellant, Harold G. Worley ("Mr. Worley"), burned down sometime around midnight on New Year's Eve 2014.¹ Even though the Horry County Fire Rescue's final investigative report classified the workshop fire's cause and origin as "undetermined",² the Worley Appellants sued HEC alleging that they would be able to prove that HEC's negligence was the cause and origin of the fire.³ They asserted HEC was liable for their losses as HEC negligently failed to trim back and/or completely

¹ (Waring Affidavit, para. 9; Gardner Affidavit, para. 9). See Affidavit of Bradish J. Waring, Esquire sworn to on 18 July 2021 (the "Waring Affidavit"). A copy of the Waring Affidavit is attached hereto as Exhibit "A" and incorporated herein by reference as are all other subsequent attached exhibits. See also Affidavit of Kenyatta L. Gardner, Esquire sworn to on 15 July 2021 (the "Gardner Affidavit"). A copy of the Gardner Affidavit is attached hereto as Exhibit "B".

² (Waring Affidavit, para. 10; Gardner Affidavit, para. 10).

³ (Waring Affidavit, paras. 18-20; Gardner Affidavit, paras. 18-20).

remove various tree limbs hanging over or near the HEC powerline which provided electrical power to Mr. Worley's workshop.⁴ The Worley Appellants concluded HEC's alleged negligence was the asserted proximate cause of the fire which totally destroyed the workshop and its contents.⁵ Although the allegations were, at best, speculative, the Worley Appellants pressed on with this litigation.

Federated Rural Electric Insurance Exchange ("Federated") is the insurance company which provided liability insurance coverage to HEC.⁶ After this action was filed, HEC retained Pope D. Johnson, III, Esquire, of Columbia, South Carolina to represent and defend HEC's interests.⁷ In the midst of the case, Mr. Johnson developed medical problems and retired from the active practice of law.⁸ With Federated's agreement and consent, Mr. Johnson transferred the case to Mr. Waring and Kenyatta L. Gardner, Esquire of Butler Snow LLP's Charleston, South Carolina office.⁹ On 19 January 2021, Messrs. Waring and Gardner, together with Mr. Johnson, collectively filed a counsel withdrawal and substitution motion with the Circuit Court.¹⁰ Messrs. Waring and Gardner

⁴ (Waring Affidavit, para. 10; Gardner Affidavit, para. 10).

⁵ (Waring Affidavit, para. 11; Gardner Affidavit, para. 11).

⁶ (Waring Affidavit, para. 12; Gardner Affidavit, para. 12).

⁷ (Waring Affidavit, para. 12; Gardner Affidavit, para. 12).

⁸ (Waring Affidavit, para. 13; Gardner Affidavit, para. 13).

⁹ (Waring Affidavit, paras. 15, 18; Gardner Affidavit, paras. 15, 18).

¹⁰ (Consent Counsel Withdrawal/Substitution Motion, p.1; Waring Affidavit, para. 17; Gardner Affidavit, para. 17). See Consent Motion for Withdrawal and Substitution of Counsel dated and filed 19 January 2021 (the "Consent Counsel Withdrawal/Substitution Motion"). A copy of the Consent Counsel Withdrawal/Substitution Motion is attached hereto as Exhibit "C" and incorporated herein by reference as are all other subsequent attached exhibits. When pleadings, motions, letters, and other prepared documents are submitted to a South Carolina Circuit Court they are filed through the South Carolina judicial electronic court filing system ("ECF System") which, in turn, sends out a Notice of Electronic Filing ("NEF") to provide notice to all counsel of record that the referenced document has been

also contemporaneously filed *Notices of Appearance*.¹¹ The Circuit Court entered an order on 27 January 2021, permitting Mr. Johnson to withdraw and substituting Messrs. Waring and Gardner and Butler Snow as counsel for HEC.¹²

Notwithstanding some very serious evidentiary shortfalls, the Worley Appellants proceeded to take this action to a jury trial on 18 May 2021. Messrs. Waring and Gardner of Butler Snow represented HEC prior to and during the trial.¹³ The Worley Appellants presented their case-in-chief and, after the Worley Appellants' rested, HEC moved for a directed verdict.¹⁴ HEC argued the Worley Appellants had failed to present any qualified expert testimony which either concluded or even reasonably inferred that HEC's alleged

filed with the Circuit Court. (Waring Affidavit, para. 16; Gardner Affidavit, para. 16). The ECF System generated an NEF providing filing notice of that motion to Kevin M. Barth, Esquire of Barth, Ballenger & Lewis, LLP in Florence, South Carolina (as the Worley Appellants' lawyer) and to Mr. Johnson. (19 January 2021 NEF, p.1; Waring Affidavit, para. 17; Gardner Affidavit, para. 17). See Notice of Electronic Filing dated 19 January 2021 (the "19 January 2021 NEF"). A copy of the 19 January 2021 NEF is attached hereto as Exhibit "D". Mr. Barth was at the time the Worley Appellants' attorney and represented them through the eventual jury trial. (Waring Affidavit, para. 15; Gardner Affidavit, para. 15).

11 (19 January 2021 NEFs, pp.1-2; Waring Affidavit, para. 18; Gardner Affidavit, para. 18). See Notice of Electronic Filing (Mr. Gardner) dated 19 January 2021 and Notice of Electronic Filing (Mr. Waring) dated 19 January 2021 (the "19 January 2021 NEFs"). Copies of the 19 January 2021 NEFs are collectively attached hereto as Exhibit "E".

12 (Counsel Substitution Order, pp.1-3; Waring Affidavit, para. 16; Gardner Affidavit, para. 16). See Order for Withdrawal and Substitution of Counsel signed by the Honorable Benjamin H. Culbertson, Circuit Court Judge, on 26 January 2021, and filed and served on 27 January 2021 (the "Counsel Substitution Order"). A copy of the Counsel Substitution Order is attached hereto as Exhibit "F" and incorporated herein by reference as are all other subsequent attached exhibits. The ECF System generated an NEF providing notice of the Counsel Substitution Order filing to Messrs. Waring and Gardner (as HEC's attorneys) and Mr. Barth (as the Worley Appellants' lawyer). (27 January 2021 NEF, p.1; Waring Affidavit, para. 20; Gardner Affidavit, para. 20). See Notice of Electronic Filing dated 27 January 2021 (the "27 January 2021 NEF"). A copy of the 27 January 2021 NEF is attached hereto as Exhibit "G". Filing notice was not provided to Mr. Johnson. (27 January 2021 NEF, p.1; Waring Affidavit, para. 20; Gardner Affidavit, para. 20).

13 (Waring Affidavit, paras. 17, 23; Gardner Affidavit, paras. 17, 23).

14 (Waring Affidavit, para. 24; Gardner Affidavit, para. 24). Rule 50(a), SCRCivP. See Burnett v. Family Kingdom, Inc., 387 S.C. 183, 188-189, 691 S.E.2d 170, 173 (Ct.App. 2010) (citing Welch v. Epstein, 342 S.C. 279, 299-300, 536 S.E.2d 408, 418-419 (Ct.App. 2000)).

negligence was the proximate cause of the workshop fire.¹⁵ The Circuit Court Judge granted the motion from the Bench and dismissed the Worley Appellants' claims.¹⁶ The Circuit Court Judge issued a *Form 4 Order* the next day,¹⁷ directing HEC's legal counsel (Mr. Waring) to prepare a formal order which would be filed later.¹⁸ On 27 May 2021, the Circuit Court Judge issued the promised formal order memorializing his prior ruling.¹⁹

The Worley Appellants appealed that decision to this Court of Appeals. The Worley Appellants retained appellate counsel and filed their joint *Notice of Appeal* on 21 June 2021.²⁰ According to the *Proof of Service* the Worley Appellants attached to their *Notice of Appeal*, service of the *Notice of Appeal* was allegedly made on HEC by sending a copy of the *Notice of Appeal* through the United States Mail, postage prepaid, and

¹⁵ (Waring Affidavit, para. 25; Gardner Affidavit, para. 25).

¹⁶ (Waring Affidavit, para. 26; Gardner Affidavit, para. 26).

¹⁷ (Form 4 Order, p.3; Waring Affidavit, para. 27; Gardner Affidavit, para. 27). See Form 4 Order signed by the Honorable Paul M. Burch, Circuit Court Judge, dated and filed on 19 May 2021 (the "Form 4 Order"). A copy of the Form 4 Order is attached hereto as Exhibit "H".

¹⁸ (Form 4 Order, p.1; Waring Affidavit, para. 27; Gardner Affidavit, para. 27). The ECF System generated an NEF providing filing notice for the Form 4 Order to Messrs. Waring and Gardner (as HEC's attorneys) and Mr. Barth (as the Worley Appellants' legal counsel). (19 May 2021 NEF, p.1; Waring Affidavit, paras. 30-31; Gardner Affidavit, paras. 30-31). Filing notice was not provided to Mr. Johnson. (19 May 2021 NEF, p.1; Waring Affidavit, para. 31; Gardner Affidavit, para. 31). See Notice of Electronic Filing dated 19 May 2021 (the "19 May 2021 NEF"). A copy of the 19 May 2021 NEF is attached hereto as Exhibit "I".

¹⁹ (Final Order, pp.1-9; Waring Affidavit, paras. 30-32; Gardner Affidavit, paras. 30-32). See Order Granting Defendant's Motion for Directed Verdict signed by Paul M. Burch, Circuit Court Judge dated and filed on 27 May 2021 (the "Final Order"). A copy of the Formal Order is attached hereto as Exhibit "J". The ECF System generated an NEF providing filing notice of the Formal Order to Messrs. Waring and Gardner (as HEC's attorneys) and Mr. Barth (as the Worley Appellants' lawyer). (27 May 2021 NEF, p.1; Waring Affidavit, paras. 30-31; Gardner Affidavit, paras. 30-31). See Notice of Electronic Filing dated 27 May 2021 (the "27 May 2021 NEF"). A copy of the 27 May 2021 NEF is attached hereto as Exhibit "K".

²⁰ (Notice of Appeal, pp.1-12; Waring Affidavit, paras. 35-36; Gardner Affidavit, paras. 35-36). See Notice of Appeal dated and filed with the South Carolina Court of Appeals on 21 June 2021 (the "Notice of Appeal"). A copy of the Notice of Appeal is attached hereto as Exhibit "L".

addressed to “Pope D. Johnson, III, Esquire, 1230 Richland Street, Columbia, South Carolina 29201”.²¹ The Worley Appellants then filed a copy of the *Notice of Appeal* with the Horry County Court of Common Pleas on 2 July 2021.²² The NEF generated by the 2 July 2021, filing of a copy of the *Notice of Appeal* with the Circuit Court was HEC’s first and only notice the Worley Appellants had appealed this case to this Court of Appeals.²³

II. ARGUMENT AND CITATION OF AUTHORITY

In South Carolina, an “[a]ppeal may be taken, as provided by law, from any final judgment, appealable order or decision.”²⁴ Consequently, “[a] party intending to appeal must serve and file a notice of appeal and otherwise comply with these [*South Carolina Appellate Court*] Rules.”²⁵ Importantly, “[a] notice of appeal [from the Court of Common Pleas] shall be served on all respondents within thirty (30) days after receipt of written notice of entry of the order or judgment.”²⁶ “Whenever . . . service

²¹ (Notice of Appeal, p.3; *Waring Affidavit*, para. 37; *Gardner Affidavit*, para. 37).

²² (NOA HCCCP, pp.1-12; *Waring Affidavit*, para. 40; *Gardner Affidavit*, para. 40). See Notice of Appeal filed with Horry County Court of Common Pleas on 2 July 2021 (the “NOA HCCCP”). A copy of the NOA HCCCP is attached hereto as Exhibit “M”. The ECF System generated an NEF providing filing notice of the Formal Order to Messrs. Waring and Gardner (as HEC’s attorneys) and Mr. Barth (as the Worley Appellants’ lawyer). (2 July 2021 NEF, p.1; *Waring Affidavit*, para. 41; *Gardner Affidavit*, para. 41). See Notice of Electronic Filing dated 2 July 2021 (the “2 July 2021 NEF”). A copy of the 2 July 2021 NEF is attached hereto as Exhibit “N”. Filing notice, however, was not provided to Mr. Johnson. (2 July NEF, p.1; *Waring Affidavit*, para. 41; *Gardner Affidavit*, para. 41).

²³ (*Waring Affidavit*, paras. 34, 42-43; *Gardner Affidavit*, paras. 34, 42-43).

²⁴ Rule 201(a), SCACR. *Brunson v. Amer. Koyo Bearings*, 367 S.C. 161, 165, 623 S.E.2d 870, 872 (Ct.App. 2005), *abrogated in part on other grounds by Bone v. U.S. Food Service*, 404 S.C. 67, 744 S.E.2d 552 (2013)) (*citing Hagood v. Sommerville*, 362 S.C. 191, 194-195, 607 S.E.2d 707, 708 (2005); *S.C. Code Ann.* § 14-3-330(1) (1976 and Supp.2004); Rule 72, SCRCivP; Rule 201(a), SCACR).

²⁵ Rule 203(a), SCACR. (Emphasis added).

²⁶ (*Waring Affidavit*, para. 33; *Gardner Affidavit*, para. 33). See Rule 203(b)(1), SCACR. See generally *Wells Fargo Bank, N.A. v. Fallon Properties South Carolina, LLC*, 422 S.C. 211, 810 S.E.2d 856 (2018), *affirmed on remand*, 2019 WL 581287 (S.C.App., filed 13 Feb. 2019) (*per curiam*).

is required or permitted to be made upon a party represented by an attorney the service shall be made upon the attorney [by] [d]elivering a copy to him [or by] [d]epositing it in the U.S. Mail properly addressed to the person . . with sufficient first class postage attached [or] [s]erving a copy on the person by [an approved] electronic means . . .”²⁷ Additionally, “[t]he [N]otice of [A]ppeal shall be filed with the clerk of the lower court and the clerk of the appellate court within ten (10) days after the [N]otice of [A]ppeal is served.”²⁸ Finally, the “[N]otice [of Appeal] filed with the appellate court shall be accompanied by . . Proof of [S]ervice showing that the [N]otice [of Appeal] has been served on all respondents . . .”²⁹

The overriding principal in an appeal from a lower court’s decision is to provide timely notice of an appeal to the responding party/parties within the designated 30-day time period and an appellant’s “ ‘failure to do so divests th[e] [appellate] court of subject matter jurisdiction and results in dismissal of the appeal.’ ”³⁰ Moreover, “ ‘[t]he requirement of service of the notice of appeal is jurisdictional, *i.e.*, if a party misses the deadline, the appellate court lacks jurisdiction to consider the appeal and has no authority or discretion to ‘rescue’ the delinquent party by extending or ignoring the deadline for service of the notice.’ ”³¹

²⁷ Rule 262(c)(1)-(3), SCACR.

²⁸ Rule 203(d)(1)(B), SCACR.

²⁹ Rule 203(d)(1)(B)(i), SCACR.

³⁰ USAA Prop. & Cas. Ins. Co. v. Clegg, 377 S.C. 643, 651, 661 S.E.2d 791, 795 (2008) (*quoting* Canal Ins. Co. v. Caldwell, 338 S.C. 1, 4, 524 S.E.2d 416, 418 (Ct.App. 1999)).

³¹ USAA Prop. & Cas. Ins. Co. v. Clegg, 377 S.C. 643, 651, 661 S.E.2d 791, 795 (*quoting* Elam v. S.C. Dep’t of Transp., 361 S.C. 9, 14–15, 602 S.E.2d 772, 775 (2004)). *See also* Mason v. Mason, 412 S.C. 28, 59, 770 S.E.2d 405, 421 (2015) (*citing* Conner v. City of Forest Acres, 348 S.C. 454, 461, 560 S.E.2d 606, 609 (2002)). *See also* State v. Devore, 416 S.C. 115,, 119, 784 S.E.2d 690, 692 (Ct.App. 2016) (“Accordingly, in the absence of a timely served notice of appeal, th[e] [appellate] court [to which the Notice of Appeal was directed] has no jurisdiction.”). *See also* Trask v. South Carolina Dept. of Public Safety, 2012 WL 10864175,

Our appellate rules support and, in fact, emphasize the importance of timely serving the responding party with notice that the appellant has filed an appeal. While the appellate rules explicitly require the appellant to serve the Notice of Appeal within the 30-day time frame,³² the rules also afford the appellant an *additional* ten (10) days in which to file the Notice of Appeal with both the applicable appellate court and the lower court from which the appeal has been taken.³³

In this case, the Worley Appellants received written notice on 27 May 2021, that the *Final Order* had been filed with the Horry County Court of Common Pleas.³⁴ The NEF notified, among others, Mr. Barth (as the Worley Appellants' then-attorney) that the *Final Order* had been filed.³⁵ The Worley Appellants then submitted their *Notice of Appeal* with this Court of Appeals – dated and filed on 21 June 2021.³⁶ This action was well within the mandatory 30-day time limit.³⁷ Service of the *Notice of Appeal* was ostensibly made upon the responding party (*i.e.*; HEC) by serving, through the United States Postal Service, a copy of the *Notice of Appeal* on HEC's "attorney of record", Pope

*1 (S.C.App., filed 21 November 2012) (*per curiam*) (Appeal against the SCDPS dismissed as Notice of Appeal not sent to new counsel of record, although there was evidence of representational confusion by SCDPS's original counsel even after new counsel had been retained).

32 Rule 203(b)(1), SCACR.

33 Rule 203(d)(1)(B), SCACR. As an aside, the seeming better practice is to send out the Notice of Appeal (with attached appealed orders) to the Respondent(s), applicable appellate court, and the applicable lower court/tribunal/*etc.* all at the same time to avoid confusion and missed deadlines.

34 (27 May 2021 ECF, p.1; Waring Affidavit, paras. 30-31; Gardner Affidavit, paras. 30-31).

35 (27 May 2021 ECF, p.1; Waring Affidavit, para. 30; Gardner Affidavit, para. 30).

36 (Notice of Appeal, p.1; Waring Affidavit, para. 36; Gardner Affidavit, para. 36).

37 (Waring Affidavit, para. 33; Gardner Affidavit, para. 33). See Rule 203(b)(1), SCACR.

D. Johnson, III, Esquire, 1230 Richland Street, Columbia, South Carolina 29201".³⁸ The Worley Appellants then later filed a copy of the *Notice of Appeal* with the Clerk of Court for the Horry County Court of Common Pleas on 2 July 2021,³⁹ ostensibly one day *beyond* the ten day time limit.⁴⁰ The 2 July 2021 NEF which notified counsel of that filing was sent to Messrs. Waring and Gardner as counsel for HEC and Mr. Barth as counsel for the Worley Appellants.⁴¹ The NEF did not, however, provide any notification of filing to Mr. Johnson.⁴²

Our appellate rules required the Worley Appellants to serve HEC with the *Notice of Appeal* within 30 days after the Worley Appellants had first received written notice of the order under appeal.⁴³ Undisputedly, the Worley Appellants first received written notice of the *Formal Order*⁴⁴ on 27 May 2021, when the *Formal Order* was filed with the Circuit Court and the ECF System generated an NEF advising all counsel of record of that filing.⁴⁵

³⁸ (Notice of Appeal, p.3; Waring Affidavit, para. 37; Gardner Affidavit, para. 37).

³⁹ (2 July 2021 NEF, p.1; Waring Affidavit, paras. 40-41; Gardner Affidavit, paras. 40-41). See Rule 203(d)(1)(B), SCACR.

⁴⁰ Rule 203(d)(1)(B), SCACR. The ten-day period would have commenced on Tuesday, 22 June 2021, and would have ended on Thursday, 1 July 2021.

⁴¹ (2 July 2021 NEF, p.1; Waring Affidavit, para. 41; Gardner Affidavit, para. 41).

⁴² (2 July 2021 NEF, p.1; Waring Affidavit, para. 41; Gardner Affidavit, para. 41).

⁴³ (Waring Affidavit, para. 33; Gardner Affidavit, para. 33). Rule 203(b)(1), SCACR. See Wells Fargo Bank, N.A. v. Fallon Properties South Carolina, LLC, 422 S.C. 211, 215-216, 810 S.E.2d 856, 858.

⁴⁴ The Formal Order, as noted, confirmed the Circuit Court Judge's decision to grant HEC a Rule 50(a), SCRCivP, directed verdict. (Formal Order, pp.1-9; Waring Affidavit, paras. 24-26, 30-32; Gardner Affidavit, paras. 24-26, 30-32).

⁴⁵ (Waring Affidavit, paras. 30-32; Gardner Affidavit, paras. 30-32).

Unfortunately for the Worley Appellants, the **first notice** they ever provided to HEC showing that the Worley Appellants had filed their *Notice of Appeal* in this matter was on **2 July 2021**, when Messrs. Waring and Gardner received the NEF generated by the FCY System.⁴⁶ This was some **thirty-six (36) days after** the date the Worley Appellants first were given written notice that the *Final Order* had been filed and **six (6) days after** the mandatory and jurisdictional 30-day limit to serve HEC with a copy of the *Notice of Appeal*.⁴⁷

The Worley Appellants simply served the *Notice of Appeal* on an attorney they wrongfully believed to have been HEC's counsel of record.⁴⁸ On the other hand, a quick review of the Horry County Fifteenth Judicial Circuit Public Index (the "Horry County Court Case Index") would have clearly shown that Messrs. Waring and Gardner had been HEC's counsel of record as of 27 January 2021, and Mr. Johnson had been relieved as HEC's counsel on that very same day.⁴⁹ In fact, Messrs. Waring and Gardner had appeared as counsel for HEC as early as 19 January 2021.⁵⁰ Furthermore, Appellant Harold Worley testified during the jury trial and was both unquestionably and undeniably aware Messrs. Waring and Gardner represented HEC during the trial and that Mr. Johnson was no longer involved in the matter.

⁴⁶ (2 July 2021 NEF, p.1; Waring Affidavit, paras. 34, 42-43; Gardner Affidavit, paras. 34, 42-43).

⁴⁷ (Waring Affidavit, paras. 30-33; Gardner Affidavit, paras. 30-33).

⁴⁸ (Waring Affidavit, para. 19-21, 38-39; Gardner Affidavit, para. 19-21, 38-39).

⁴⁹ (Counsel Substitution Order, pp.1-3; Waring Affidavit, paras. 19-21, 38-39, 43-47; Gardner Affidavit, paras. 19-20, 38-39, 43-47).

⁵⁰ (Consent Counsel Withdrawal/Substitution Motion, p.1; 19 January 2021 NEFs, pp.1-2; Waring Affidavit, paras. 17-18; Gardner Affidavit, paras. 17-18).

Even though Mr. Johnson may have received a copy of the *Notice of Appeal* within the 30-day time limit,⁵¹ such service on him, if actually accomplished, was immaterial and without effect as Mr. Johnson was not counsel for HEC and had not been HEC's attorney since he withdrew as of 27 January 2021.⁵² As of that date Messrs. Waring and Gardner were the attorneys acknowledged by the Circuit Court as representing HEC.⁵³ A quick review of the on-line Horry County Court Case Index shows that Messrs. Waring and Gardner had made several filings with the Circuit Court after officially becoming HEC's sole counsel of record and were regularly referenced..⁵⁴

Even though the appellate time period expired some time ago, the Worley Appellants have yet to serve the Respondent (*i.e.*; HEC) with a copy of the Worley Appellants' *Notice of Appeal*. It was only by mere happenstance that HEC discovered the Worley Appellants had appealed the *Final Order*. The first (*and only*) notice to HEC was when HEC's attorneys' received the 2 July 2021 NEF indicating the Worley Appellants had filed a copy of the *Notice of Appeal* (previously filed with this Court of Appeals) with the Horry County Court of Common Pleas.⁵⁵

⁵¹ HEC does not have any information one way or the other as to whether Mr. Johnson received a copy of the Worley Appellant's *Notice of Appeal*.

⁵² (*Counsel Substitution Order*, pp.1-3; *Waring Affidavit*, paras. 17-21, 23, 39; *Gardner Affidavit*, paras. 17-21, 23, 39).

⁵³ (*Counsel Substitution Order*, pp.1-3; *Waring Affidavit*, paras. 17-21, 23, 39; *Gardner Affidavit*, paras. 17-21, 23, 39).

⁵⁴ (*Waring Affidavit*, paras. 44-48; *Gardner Affidavit*, paras. 44-48). Similarly, the Horry County Court Case Index also shows that Mr. Johnson *did not* file anything during the same time period and was not referenced in the docket after 27 January 2021. (*Waring Affidavit*, paras. 44-48; *Gardner Affidavit*, paras. 44-48).

⁵⁵ (2 July 2021 NEF, p.1; *Waring Affidavit*, paras. 34, 42-43; *Gardner Affidavit*, paras. 34, 42-43).

The Worley Appellants did not serve HEC with the *Notice of Appeal* within the applicable 30-day time limit. This failure is a fatal flaw and eliminates this Court of Appeals' appellate jurisdiction. Furthermore, this Court of Appeals is not permitted to "rescue" the Worley Appellants from this mistake and resurrect a non-existent appeal.

III. CONCLUSION

Based upon the foregoing arguments and citation of authority the Respondent, Horry Electric Cooperative, Inc., respectfully requests this Court of Appeals to dismiss the appeal of the Appellants, Harold G. Worley and Thomas Wade Long and Harold G. Worley as successor trustee of Trust B of the Sandra Gail Worley Irrevocable Trust under Trust Agreement dated July 31, 2010. HEC asserts the Worley Appellants have never served, much less timely served, HEC with a copy of the *Notice of Appeal* as required by the South Carolina Appellate Court Rules.

Respectfully submitted.

Signed: **Stephen P. Groves, Sr.**

Bradish J. Waring, Esquire (SC Bar No.: 5828)
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*Attorneys for the Respondent,
Horry Electric Cooperative, Inc.*

Charleston, South Carolina

16 July 2021

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Horry Electric Cooperative, Inc.*

Harold G. Worley and Thomas)
Wade Long and Harold G. Worley)
as successor trustee of Trust B of the)
Sandra Gail Worley Irrevocable Trust)
under Trust Agreement dated)
July 31, 2010,)
Appellants,)
Horry Electric Cooperative, Inc.,)
Respondent.)
_____)

IN THE SOUTH CAROLINA
COURT OF APPEALS
Appellate Case No.
2021-000652

**AFFIDAVIT OF
BRADISH J. WARING'
ESQUIRE**

Personally appeared before me one **BRADISH J. WARING, ESQUIRE**, who, after being duly sworn and/or affirming, states as follows:

1. My name is Bradish J. Waring, Esquire and I go by "Brad".
2. I am over the age of 21 and I have personal knowledge of all matters to which I have attested to in this affidavit.
3. I am a citizen and resident of the City of Charleston, in County of Charleston, in the State of South Carolina.
4. I have been practicing law for over forty-three (43) years, having obtained my law license from the Supreme Court of South Carolina on 16 May 1978.
5. I am a partner in the law firm of Butler Snow LLP working out of the Charleston, South Carolina office.
6. I am submitting this affidavit to this Court of Appeal in support of the *Motion to Dismiss Appeal* contemporaneously submitted by the Respondent, Horry Electric Cooperative, Inc. ("HEC").

7. I believe that the following matters, statements, facts, and/or things set forth in this affidavit are true and correct to the best of my knowledge.

8. I believe *Motion to Dismiss Appeal* is well-founded and requires this Court of Appeals to dismiss this appeal filed by the Appellants, Harold G. Worley and Thomas Wade Long and Harold G. Worley as successor trustee of Trust B of the Sandra Gail Worley Irrevocable Trust under Trust Agreement dated July 31, 2010 (the "Worley Appellants"), for failure to comply with the South Carolina Appellate Court Rules.

9. This case arises out of a New Year's Eve 2014 fire which destroyed both a workshop owned by the Appellant, Harold G. Worley, as well as the contents contained within the workshop.

10. Even though Horry County Fire Rescue concluded that the cause of the workshop fire was "undetermined", the Worley Appellants sued HEC in the Horry County Court of Common Pleas on 6 December 2016, asserting that HEC was negligent for, among other things, failing to trim and/or remove tree limbs ostensibly hanging over a HEC powerline which provided electricity to the workshop.

11. The Worley Appellants asserted HEC's negligence was the proximate cause of the workshop fire and, therefore, HEC was legally responsible for the Worley Appellants' damages and losses.

12. Federated Rural Electric Insurance Exchange ("Federated"), the insurance carrier which provided liability insurance coverage to HEC, retained Pope D. Johnson, III, Esquire of Columbia, South Carolina, to defend HEC.

13. It is my understanding that sometime in late December 2020, or early 2021, Mr. Johnson developed medical problems and retired from the active practice of law, thereby requiring Federated to retain new counsel for HEC.

14. On approximately 12 January 2021, Federated contacted me and thereafter retained Butler Snow to represent HEC in the litigation pending in the Horry County Court of Common Pleas.

15. At the time Federated contacted Butler Snow the Worley Appellants had been and were being represented by Kevin M. Barth, Esquire of Barth, Ballenger & Lewis, LLP from Florence, South Carolina.

16. When pleadings, motions, letters, and other prepared documents are submitted to a South Carolina Circuit Court they are filed through the South Carolina judicial electronic court filing system ("ECF System") which, in turn, sends out a Notice of Electronic Filing ("NEF") to provide notice to all counsel of record that the referenced document has been filed with the Circuit Court.

17. On 19 January 2021, my law partner, Kenyatta L. "Kenny" Gardner, Esquire and I, together with Mr. Johnson, filed a *Consent Motion for Withdrawal and Substitution of Counsel* (the "*Substitution Motion*") with the Horry County Court of Common Pleas and the ECF System generated an NEF showing filing notice being provided to, among others, Mr. Barth and Mr. Johnson.

18. On 19 January 2021, my appearance as counsel for HEC was noted by the Horry County Court of Common Pleas in conjunction with the filing of the *Substitution Motion*.

19. On 27 January 2021, the Horry County Court of Common Pleas entered an order signed by the Honorable Benjamin H. Culbertson, Circuit Court Judge, entitled *Order for Withdrawal and Substitution of Counsel* (the "*Counsel Substitution Order*") which permitted Mr. Johnson to withdraw as counsel for HEC and, in turn, substituted Butler Snow as HEC's new attorneys.

20. The ECF System generated an NEF showing that notice the *Counsel Substitution Order* had been filed was being provided to, among others, Mr. Gardner and me (as HEC's attorneys) and Mr. Barth (as the Worley Appellants' lawyer), but notice was not provided to Mr. Johnson.

21. Mr. Gardner and I have handled the litigation proceedings in this action in the Horry County Court of Common Pleas as HEC's attorneys since Butler Snow was contacted by Federated and then substituted for Mr. Johnson on 27 January 2021.

22. Since HEC retained Butler Snow, Mr. Gardner and I have served discovery and filed various pleadings and/or motions in the Circuit Court as attorneys working on behalf of HEC.

23. On 18 May 2021, Mr. Gardner and I appeared before the Honorable Paul M. Burch, Circuit Court Judge, and a jury in the Horry County Courthouse for the jury trial in this matter.

24. The Worley Appellants presented their case in chief and, when the Worley Appellants rested, HEC moved for a directed verdict pursuant to Rule 50(a), SCRCivP,

25. HEC argued the Worley Appellants had failed to present any testimony from qualified expert(s) which either concluded and/or reasonably inferred that HEC's alleged negligence concerning the tree limbs was the proximate cause of the workshop fire.

26. The Circuit Court Judge granted HEC's directed verdict motion from the Bench and dismissed the Worley Appellants' claims against HEC.

27. The Circuit Court Judge issued a *Form 4 Order* dated and filed on 19 May 2021, indicating that a directed verdict had been granted and instructed me to prepare a formal order.

28. The ECF System generated an NEF filing notice of the *Form 4 Order* that was provided to, among others, Mr. Barth (as the Worley Appellant's attorney) and to Mr. Gardner and me (as HEC's lawyers), but without any notice being provided to Mr. Johnson.

29. As requested, Mr. Gardner and I prepared a proposed formal order and submitted it to the Circuit Court Judge on 25 May 2021, by electronic mail.

30. On 27 May 2021, I received NEF indicating that the *Order Granting Motion for Directed Verdict* to HEC (the "*Formal Order*") had been filed that day with the Horry County Court of Common Pleas.

31. The NEF indicated notice of the filing of the *Formal Order* was being provided to, among others, Mr. Gardner and me as counsel for HEC and to Mr. Barth as counsel for the Worley Appellants, but without any notice being provided to Mr. Johnson.

32. On 27 May 2021, I used my office computer to access the Horry County Fifteenth Judicial Circuit Public Index (the "Horry County Court Public Index") for the Circuit Court proceedings in this action and printed out a copy of the *Formal Order*.

33. In accordance with Rule 203(b)(1), SCACR, the Worley Appellants would have had until 28 June 2021, to appeal the *Final Order* to this Court of Appeals (as the 30th day fell on Saturday, 26, June 2021).

34. I was not served with either a copy of a *Notice of Appeal* or of any other document from the Worley Appellants or their attorneys during the time period of 20 June 2021, until 1 July 2021.

35. I have reviewed of the South Carolina Appellate Case Management System a/k/a C-Track Public Access (“SCACMS”) section for this particular appellate matter.

36. The SCACMS shows that the Worley Appellants, by and through appellate counsel, John M. Leiter, Esquire of Law Offices of John M. Leiter, PA in Myrtle Beach, South Carolina, filed a *Notice of Appeal* with this Court of Appeals on 21 June 2021.

37. The *Proof of Service* attached to the *Notice of Appeal* indicated that Mr. Leiter had “served the **Notice of Appeal** on [HEC] by depositing a copy of it in the United States Mail, postage prepaid, on June 21, 2021, addressed to the attorney of record, Pope D. Johnson, III, Esq., 1230 Richland Street, Columbia, SC 29201” (Emphasis in original).

38. On 21 June 2021, Mr. Johnson was not HEC’s counsel of record as the *Counsel Substitution Order* had permitted him to withdraw as HEC’s legal counsel as of 27 January 2021.

39. On 21 June 2021, Mr. Gardner and I were HEC’s designated counsel of record and had been working in that capacity since 27 January 2021, pursuant to the *Counsel Substitution Order*.

40. On 2 July 2021, I received a copy of a NEF notifying me that a copy of the *Notice of Appeal* previously filed with this Court of Appeals on 21 June 2021, had been filed with the Horry County Court of Common Pleas.

41. The NEF indicated that notice of the filing was being provided to, among others, Mr. Gardner and me as attorneys for HEC and to Mr. Barth as counsel for the Worley Appellants, but without any notice being given to Mr. Johnson.

42. This was the first time I had received any type of notice, either written or otherwise, indicating that the Worley Appellants had filed an appeal in this matter.

43. As one of the attorneys of record for HEC I did not receive a copy of the *Notice of Appeal* filed in this Court of Appeals or any other type of notice, written or otherwise, from the Worley Appellants during the 30-day appellate time limit imposed by Rule 203(b)(1), SCACR.

44. A review of the "Case Parties" printout from the Horry County Court Public Index for this matter shows that Mr. Gardner and I are listed as attorneys of record for HEC and that Mr. Johnson was designated as "inactive".¹

45. A review of the "Actions" printout from the Horry County Court Public Index section for this matter shows that Mr. Gardner and I have been involved in this litigation as HEC's attorneys of record from around 19 January 2021, onward through the jury trial and the Circuit Court Judge's issuance of the *Formal Order*.²

¹ A copy of the "Case Parties" section of the Horry County Court Public Index as of 9 July 2021, is attached hereto as Exhibit "A" and incorporated herein by reference as are all other attached exhibits.

² A copy of the "Action" section of the Horry County Court Public Index as of 9 July 2021, is attached hereto as Exhibit "B".

46. A review of the "Actions" printout from the Horry County Court Public Index section for this matter shows that Mr. Johnson did not appear as one of HEC's attorneys after 27 January 2021, and is not designated in the activity listing after the 10 November 2020, notice of the 19 January 2021, motions roster.³

47. A review of the Horry County Court Public Index webpage for this particular Circuit Court matter shows that Mr. Gardner and I were designated as attorneys for HEC and that Mr. Johnson was listed as "inactive".⁴

48. A review of the Horry County Court Public Index webpage for this particular Circuit Court matter shows that Mr. Gardner and I were listed as attorneys for HEC with no reference to Mr. Johnson after the 7 January 2021 entry for notice of a motions hearing.⁵

49. I attest that the copies of the documents, photographs, reports, *etc.* which have been hereto as Exhibit "A" through Exhibit "B" are true, correct, and accurate copies of those referenced documents.

³ See Exhibit "B" at p.4.

⁴ (webpage was last visited and viewed on 9 July 2021) - (<https://publicindex.sccourts.org/Horry/PublicIndex/CaseDetails.aspx?County=26&CourtAgency=26002&Casenum=2016CP2607787&CaseType=V&HKey=8679109117108681137977784889727210151995012112154906643109431165550122439848122837375765278568999>).

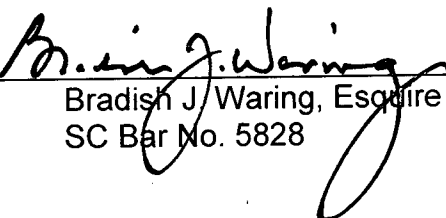
⁵ (webpage was last visited and viewed on 9 July 2021) - (<https://publicindex.sccourts.org/Horry/PublicIndex/CaseDetails.aspx?County=26&CourtAgency=26002&Casenum=2016CP2607787&CaseType=V&HKey=8679109117108681137977784889727210151995012112154906643109431165550122439848122837375765278568999>).

50. I attest that I have not altered or otherwise changed in any way or manner the copies of the documents which have been attached hereto as Exhibit "A" through Exhibit "B".

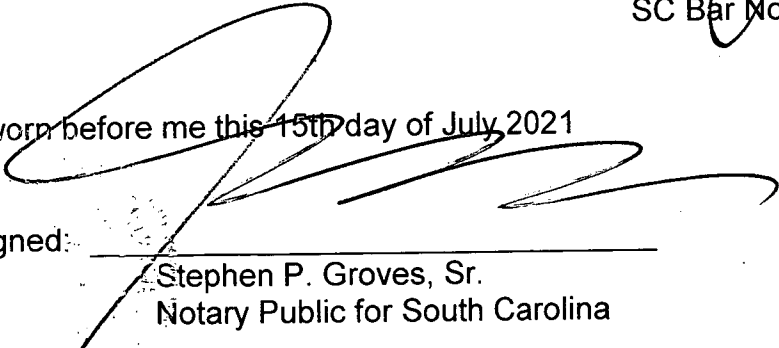
51. I attest that I have read and reviewed each and every page of this affidavit, as well as each and every page of the documents which have been attached to this affidavit as Exhibit "A" through Exhibit "B".

52. Even though I did not draft this affidavit, I have read through this document thoroughly and I agree with and attest to the statements and facts set forth herein just as if I had typed this myself.

AFFIANT FURTHER SAYETH NOT.

Signed: 
Bradish J. Waring, Esquire
SC Bar No. 5828

Sworn before me this 15th day of July 2021

Signed: 
Stephen P. Groves, Sr.
Notary Public for South Carolina

My Commission Expires: 21 August 2028

STEPHEN P. GROVES, SR.
Notary Public, State of South Carolina
My Commission Expires 8/21/2028

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Horry County Fifteenth Judicial Circuit Public Index



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Switch View

Harold G Worley , plaintiff, et al VS Horry Electric Cooperative Inc , defendant, et al

Case Number:	2016CP2607787	Court Agency:	Common Pleas	Filed Date:	12/06/2016
Case Type:	Common Pleas	Case Sub Type:	Person Inj/Other 399	File Type:	Jury
Status:	Appeal	Assigned Judge:	Clerk Of Court C P, G S, And Family Court		
Disposition:	Appealed Supreme Court/Ct of Appeals	Disposition Date:	05/20/2021	Disposition Judge:	Burch, Paul M.
Original Source Doc:		Original Case #:			
Judgment Number:		Court Roster:			

Case Parties Judgments Tax Map Information Associated Cases Actions Financials

Click the ☒ icon to show associated parties.

Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
☒ Aiken, J. Boone III	PO Drawer 1931 Florence SC 29503				Defendant Attorney		11/01/2017
☒ Barth, Kevin Mitchell	PO Box 107 Florence SC 29503				Plaintiff Attorney		11/14/2019
Buffington, Robert Walton(Inactive)	PO Box 340 Charleston SC 29402				Alternate Mediator		02/12/2018
☒ Gardner, Kenyatta L.	25 Calhoun Street Suite 250 Charleston SC 29401				Defendant Attorney		01/19/2021
☒ Gardner, Kenyatta L.	25 Calhoun Street Suite 250 Charleston SC 29401				Defendant Attorney		01/19/2021
☒ Horry Electric Cooperative Inc					Defendant		05/25/2021
☒ Jardine, Kerry Kathleen(Inactive)	1314 Professional Dr Myrtle Beach SC 29577				Defendant Attorney		02/03/2021
☒ Johnson, Pope D. III(Inactive)	1230 Richland Street Columbia SC 29201				Defendant Attorney		01/27/2021
☒ Leiter, John M.	405 79Th Ave. North, Suite B Myrtle Beach SC 29572				Plaintiff Attorney		07/02/2021
☒ Long, Thomas Wade					Plaintiff		08/21/2017
☒ Miller, Keegan B. (Inactive)	901 Richland St. Judge Anderson's Chambers Columbia SC 29201				Defendant Attorney		01/06/2020
☒ Moss, Kenneth Ray(Inactive)	628A Sea Mountain Highway North Myrtle Beach SC 29582				Plaintiff Attorney		11/14/2019
Nickels, Christopher William(Inactive)	126 Seven Farms Dr., Ste. 200 Charleston SC 29492				Mediator		02/12/2018

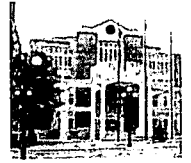
☒ Pearce, Christopher H.(Inactive)	1314 Professional Drive Myrtle Beach SC 29577				Defendant Attorney		02/03/2021
☒ Power Line Clearing Contractors Inc(Inactive)					Defendant		02/19/2018
☒ Sandra Gall Worley Revocable Trust					Plaintiff		05/21/2020
☒ Squirrel System Inc(Inactive)					Defendant		05/08/2020
☒ Tomberlin Pole Treatment Company LLC(Inactive)					Defendant		05/21/2020
☒ Waring, Bradish J.	25 Calhoun Street Suite 250 Charleston SC 29401				Defendant Attorney		01/19/2021
☒ Worley, Harold Gene					Plaintiff		05/21/2020
☒ Worley, Harold G					Plaintiff		07/02/2021

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Horry County Fifteenth Judicial Circuit Public Index



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Switch View

Harold G Worley , plaintiff, et al VS Horry Electric Cooperative Inc , defendant, et al

Case Number:	2016CP2607787	Court Agency:	Common Pleas	Filed Date:	12/06/2016
Case Type:	Common Pleas	Case Sub Type:	Person Inj/Other 399	File Type:	Jury
Status:	Appeal	Assigned Judge:	Clerk Of Court C P, G S, And Family Court		
Disposition:	Appealed Supreme Court/Ct of Appeals	Disposition Date:	05/20/2021	Disposition Judge:	Burch, Paul M.
Original Source Doc:		Original Case #:			
Judgment Number:		Court Roster:			

Case Parties Judgments Tax Map Information Associated Cases Actions Financials

Name	Description	Type	Motion Roster	Begin Date	Completion Date	Documents
Worley, Harold G	Appeal/Notice of Appeal to Court of Appeals	Action		07/03/2021-12:10		
Worley, Harold G	NEF(07-02-2021 12:10:34 PM) Notice/Notice of Appearance	Filing		07/02/2021-13:48		
Worley, Harold G	Notice/Notice of Appearance	Filing		07/02/2021-12:10		
Horry Electric Cooperative Inc	NEF(05-27-2021 11:51:39 AM) Order/Other	Filing		05/27/2021-11:51		
Horry Electric Cooperative Inc	Order Granting Motion For A Directed Verdict	Order		05/27/2021-11:51		
Horry Electric Cooperative Inc	NEF(05-25-2021 11:34:52 AM) Proposed Order/Other	Filing		05/25/2021-14:46		
Horry Electric Cooperative Inc	Order/Order Cover Sheet \$25.00	Filing		05/25/2021-11:34		
Worley, Harold G	NEF(05-19-2021 01:44:57 PM) Order/Electronic Form 4	Filing		05/19/2021-13:45	05/20/2021-13:45	
Worley, Harold G	Order/Electronic Form 4 - Direct Verdict Granted	Order		05/19/2021-13:44	05/20/2021-13:44	
Horry Electric Cooperative Inc	NEF(05-17-2021 12:04:26 PM) Motion/Reconsider	Filing		05/17/2021-13:21	05/20/2021-13:21	

Worley, Harold G	NEF(05-17-2021 12:53:07 PM) Order/Judgment and Form 4	Filing		05/17/2021-12:57	05/20/2021-12:57	
Worley, Harold G	Order/Motion for Summary Judgment is Denied	Order		05/17/2021-12:53	05/20/2021-12:53	
Horry Electric Cooperative Inc	Motion/Reconsider	Motion		05/17/2021-12:04	05/20/2021-12:04	
Horry Electric Cooperative Inc	NEF(05-14-2021 04:54:27 PM) Motion/In Limine	Filing		05/17/2021-08:40	05/20/2021-08:40	
Horry Electric Cooperative Inc	Motion/In Limine	Motion		05/14/2021-16:54	05/20/2021-16:54	   
Horry Electric Cooperative Inc	NEF(05-12-2021 03:20:57 PM) Memo/Memo in Support	Filing		05/12/2021-15:28	05/20/2021-15:28	
Horry Electric Cooperative Inc	Memo/Memo in Support of Motion for Summary Judgment	Filing		05/12/2021-15:20	05/20/2021-15:20	   
Gardner, Kenyatta L.	5/17/2021_JURY_Roster/Notice of Case Roster Publication Sent	Action		04/16/2021-08:25	05/20/2021-08:25	
Waring, Bradish J.	5/17/2021_JURY_Roster/Notice of Case Roster Publication Sent	Action		04/16/2021-08:25	05/20/2021-08:25	
Aiken, J. Boone III	5/17/2021_JURY_Roster/Notice of Case Roster Publication Sent	Action		04/16/2021-08:25	05/20/2021-08:25	
Barth, Kevin Mitchell	5/17/2021_JURY_Roster/Notice of Case Roster Publication Sent	Action		04/16/2021-08:25	05/20/2021-08:25	
Gardner, Kenyatta L.	5/17/2021_JURY_Roster/Notice of Case Roster Publication Sent	Action		04/16/2021-08:25	05/20/2021-08:25	
Gardner, Kenyatta L.	5/11/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		03/26/2021-08:17	05/20/2021-08:17	
Waring, Bradish J.	5/11/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		03/26/2021-08:17	05/20/2021-08:17	
Barth, Kevin Mitchell	5/11/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		03/26/2021-08:17	05/20/2021-08:17	
Gardner, Kenyatta L.	5/11/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		03/26/2021-08:17	05/20/2021-08:17	
Aiken, J. Boone III	5/11/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		03/26/2021-08:17	05/20/2021-08:17	
Worley, Harold G	NEF(03-03-2021 04:30:23 PM) Order/Electronic Form 4	Filing		03/03/2021-16:30	05/20/2021-16:30	
Worley, Harold G	Order/Electronic Form 4-Motion/Summary Judgment Continued	Order		03/03/2021-16:30	05/20/2021-16:30	
Horry Electric Cooperative Inc	NEF(02-24-2021 12:39:06 PM) Order/Consent Order	Filing		02/24/2021-12:39	05/20/2021-12:39	
Horry Electric Cooperative Inc	Order/Consent Order Granting Motion/Extend Hearing on Motion	Order		02/24/2021-12:39	05/20/2021-12:39	
Horry	NEF(02-22-2021 01:39:04 PM)	Filing		02/23/2021-	05/20/2021-	

Electric Cooperative Inc	Motion/Enlarge Time			08:43	08:43	
Horry Electric Cooperative Inc	Motion/Enlarge Time	Motion		02/22/2021-13:39	02/24/2021-13:39	
Barth, Kevin Mitchell	3/1/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		02/01/2021-11:50	05/20/2021-11:50	
Aiken, J. Boone III	3/1/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		02/01/2021-11:50	05/20/2021-11:50	
Gardner, Kenyatta L.	3/1/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		02/01/2021-11:50	05/20/2021-11:50	
Gardner, Kenyatta L.	3/1/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		02/01/2021-11:50	05/20/2021-11:50	
Waring, Bradish J.	3/1/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		02/01/2021-11:50	05/20/2021-11:50	
Pearce, Christopher H.	3/1/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		02/01/2021-11:50	05/20/2021-11:50	
Jardine, Kerry Kathleen	3/1/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		02/01/2021-11:50	05/20/2021-11:50	
Worley, Harold G	NEF(01-28-2021 01:15:10 PM) Stipulation Of Dismissal	Filing		01/29/2021-08:26	05/20/2021-08:26	
Worley, Harold G	Stipulation Of Dismissal As To TOMBERLIN POLE TREATMENT COMP	Filing		01/28/2021-13:15	05/20/2021-13:15	
Horry Electric Cooperative Inc	NEF(01-27-2021 09:13:04 AM) Order/Substitution Of Course...	Filing		01/27/2021-09:13	05/20/2021-09:13	
Horry Electric Cooperative Inc	Order/Substitution Of Counsel	Order		01/27/2021-09:13	05/20/2021-09:13	
Horry Electric Cooperative Inc	NEF(01-22-2021 01:36:11 PM) Proposed Order/Substitution ...	Filing		01/25/2021-08:20	05/20/2021-08:20	
Horry Electric Cooperative Inc	Order/Order Cover Sheet \$25.00	Filing		01/22/2021-13:36	05/20/2021-13:36	
Worley, Harold G	NEF(01-20-2021 08:27:46 AM) Order/Electronic Form 4	Filing		01/20/2021-08:27	05/20/2021-08:27	
Worley, Harold G	Order/Electronic Form 4	Order		01/20/2021-08:27	05/20/2021-08:27	
Horry Electric Cooperative Inc	NEF(01-19-2021 02:00:31 PM) Notice/Notice of Appearance	Filing		01/19/2021-16:35	05/20/2021-16:35	
Horry Electric Cooperative Inc	NEF(01-19-2021 02:05:48 PM) Notice/Notice of Appearance	Filing		01/19/2021-14:06	05/20/2021-14:06	
Horry Electric	Notice/Notice of Appearance	Filing		01/19/2021-14:05	05/20/2021-14:05	

Cooperative Inc						
Horry Electric Cooperative Inc	Notice/Notice of Appearance	Filing		01/19/2021-14:00	05/20/2021-14:00	
Horry Electric Cooperative Inc	Motion/Substitute Counsel by Consent	Motion		01/19/2021-14:00	05/20/2021-14:00	
Jardine, Kerry Kathleen	1/19/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		01/07/2021-11:42	05/20/2021-11:42	
Johnson, Pope D. III	1/19/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		01/07/2021-11:42	05/20/2021-11:42	
Pearce, Christopher H.	1/19/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		01/07/2021-11:42	05/20/2021-11:42	
Barth, Kevin Mitchell	1/19/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		01/07/2021-11:42	05/20/2021-11:42	
Aiken, J. Boone III	1/19/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		01/07/2021-11:42	05/20/2021-11:42	
Aiken, J. Boone III	1/19/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		11/10/2020-10:50	05/20/2021-10:50	
Barth, Kevin Mitchell	1/19/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		11/10/2020-10:50	05/20/2021-10:50	
Pearce, Christopher H.	1/19/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		11/10/2020-10:50	05/20/2021-10:50	
Johnson, Pope D. III	1/19/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		11/10/2020-10:50	05/20/2021-10:50	
Jardine, Kerry Kathleen	1/19/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		11/10/2020-10:50	05/20/2021-10:50	
Horry Electric Cooperative Inc	NEF(08-17-2020 01:44:53 PM) Transcript/Transcript of Tes...	Filing		08/17/2020-14:57	05/20/2021-14:57	
Horry Electric Cooperative Inc	Transcript/Transcript of Testimony	Filing		08/17/2020-13:44	05/20/2021-13:44	
Horry Electric Cooperative Inc	Transcript/Transcript of Testimony	Filing		08/17/2020-13:44	05/20/2021-13:44	
Worley, Harold G	NEF(07-16-2020 02:12:30 PM) Memo/Memo in Opposition	Filing		07/16/2020-14:23	05/20/2021-14:23	
Worley, Harold G	Memo/Memo in Opposition	Filing		07/16/2020-14:12	05/20/2021-14:12	    
Horry Electric Cooperative Inc	NEF(07-10-2020 10:41:42 AM) Motion/Summary Judgment	Filing		07/10/2020-11:58	05/20/2021-11:58	
Horry Electric Cooperative Inc	Motion/Summary Judgment	Motion		07/10/2020-10:41	05/11/2021-10:41	

Horry Electric Cooperative Inc	NEF(06-08-2020 04:20:57 PM) Answer/Answer To Amended Com...	Filing		06/08/2020-16:33	05/20/2021-16:33	
Horry Electric Cooperative Inc	Answer/Answer To Amended Complaint	Filing		06/08/2020-16:20	05/20/2021-16:20	
Worley, Harold G	NEF(05-21-2020 09:47:00 AM) Amended/Amended Complaint	Filing		05/21/2020-11:47	05/20/2021-11:47	
Worley, Harold G	Amended/2nd Amended Complaint	Filing		05/21/2020-09:47	05/20/2021-09:47	
Worley, Harold G	NEF(05-19-2020 09:18:35 AM) Order/Electronic Form 4	Filing		05/19/2020-09:18	05/20/2021-09:18	
Worley, Harold G	Order/Electronic Form 4- Motion/Add a Party Granted	Order		05/19/2020-09:18	05/20/2021-09:18	
Squirrel System Inc	NEF(05-08-2020 09:48:26 AM) Stipulation Of Dismissal	Filing		05/08/2020-10:11	05/20/2021-10:11	
Squirrel System Inc	Stipulation Of Dismissal Dismissing Squirrel System,INC ONLY	Filing		05/08/2020-09:48	05/20/2021-09:48	
Worley, Harold G	NEF(05-05-2020 01:18:25 PM) Order/Electronic Form 4	Filing		05/05/2020-13:18	05/20/2021-13:18	
Worley, Harold G	Order/Electronic Form 4- Motion/Partial Summary Judgment Deni	Order		05/05/2020-13:18	05/20/2021-13:18	
Worley, Harold G	NEF(03-11-2020 02:13:15 PM) Motion/Add Party	Filing		03/11/2020-14:40	05/20/2021-14:40	
Worley, Harold G	Motion/Add Party	Motion		03/11/2020-14:13	05/19/2020-14:13	
Worley, Harold G	NEF(03-06-2020 03:24:03 PM) Order/Continuance	Filing		03/06/2020-15:24	05/20/2021-15:24	
Worley, Harold G	Order/Continuance of Trial	Order		03/06/2020-15:24	05/20/2021-15:24	
Horry Electric Cooperative Inc	NEF(03-04-2020 09:35:34 AM) Motion/Dismiss & Summary Jud...	Filing		03/04/2020-11:11	05/20/2021-11:11	
Horry Electric Cooperative Inc	Motion/Dismiss & Summary Judgment	Motion		03/04/2020-09:35	05/05/2020-09:35	
Horry Electric Cooperative Inc	NEF(02-27-2020 01:53:15 PM) Motion/Continuance	Filing		02/27/2020-14:00	05/20/2021-14:00	
Horry Electric Cooperative Inc	Motion/Continuance	Motion		02/27/2020-13:53	05/20/2021-13:53	
Jardine, Kerry Kathleen	3/16/2020_JURY_Roster/Notice of Case Roster Publication Sent	Action		02/19/2020-09:20	05/20/2021-09:20	
Pearce, Christopher H.	3/16/2020_JURY_Roster/Notice of Case Roster Publication Sent	Action		02/19/2020-09:20	05/20/2021-09:20	
Barth, Kevin Mitchell	3/16/2020_JURY_Roster/Notice of Case Roster Publication Sent	Action		02/19/2020-09:20	05/20/2021-09:20	
Aiken, J. Boone III	3/16/2020_JURY_Roster/Notice of Case Roster Publication Sent	Action		02/19/2020-09:20	05/20/2021-09:20	

Johnson, Pope D. III	3/16/2020_JURY_Roster/Notice of Case Roster Publication Sent	Action		02/19/2020-09:20	05/20/2021-09:20	
Horry Electric Cooperative Inc	NEF(02-10-2020 04:27:12 PM) Master/Order/Other	Filing		02/10/2020-16:27	05/20/2021-16:27	
Horry Electric Cooperative Inc	Order of Recusal as to Judge John	Order		02/10/2020-16:27	05/20/2021-16:27	
Horry Electric Cooperative Inc	NEF(02-06-2020 09:34:01 AM) Order/Order Cover Sheet \$25....	Filing		02/06/2020-14:40	05/20/2021-14:40	
Horry Electric Cooperative Inc	Order/Order Cover Sheet \$25.00	Filing		02/06/2020-09:34	05/20/2021-09:34	
Aiken, J. Boone III	1/6/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		12/06/2019-10:30	05/20/2021-10:30	
Aiken, J. Boone III	1/6/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		12/06/2019-10:30	05/20/2021-10:30	
Aiken, J. Boone III	1/6/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		12/06/2019-10:30	05/20/2021-10:30	
Barth, Kevin Mitchell	1/6/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		12/06/2019-10:30	05/20/2021-10:30	
Barth, Kevin Mitchell	1/6/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		12/06/2019-10:30	05/20/2021-10:30	
Barth, Kevin Mitchell	1/6/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		12/06/2019-10:30	05/20/2021-10:30	
Johnson, Pope D. III	1/6/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		12/06/2019-10:30	05/20/2021-10:30	
Jardine, Kerry Kathleen	1/6/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		12/06/2019-10:30	05/20/2021-10:30	
Johnson, Pope D. III	1/6/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		12/06/2019-10:30	05/20/2021-10:30	
Johnson, Pope D. III	1/6/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		12/06/2019-10:30	05/20/2021-10:30	
Pearce, Christopher H.	1/6/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		12/06/2019-10:30	05/20/2021-10:30	
Pearce, Christopher H.	1/6/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		12/06/2019-10:30	05/20/2021-10:30	
Pearce, Christopher H.	1/6/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		12/06/2019-10:30	05/20/2021-10:30	
Jardine, Kerry Kathleen	1/6/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		12/06/2019-10:30	05/20/2021-10:30	
Jardine, Kerry Kathleen	1/6/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		12/06/2019-10:30	05/20/2021-10:30	
Worley, Harold G	NEF(11-14-2019 04:56:13 PM) Order/Substitution Of Counse...	Filing		11/14/2019-16:56	05/20/2021-16:56	
Worley,	Order/Substitution Of Counsel	Order		11/14/2019-	05/20/2021-	

Harold G				16:56	16:56	
Worley, Harold G	NEF(11-13-2019 03:50:00 PM) Order/Order Cover Sheet \$25....	Filing		11/14/2019-11:21	05/20/2021-11:21	
Worley, Harold G	Order/Order Cover Sheet \$25.00	Filing		11/13/2019-15:50	05/20/2021-15:50	
Worley, Harold G	NEF(10-18-2019 04:55:59 PM) Motion/Continuance	Filing		10/21/2019-09:14	05/20/2021-09:14	
Worley, Harold G	Motion/Continuance	Motion		10/18/2019-16:55	05/20/2021-16:55	
Pearce, Christopher H.	11/12/2019_JURY_Roster/Notice of Case Roster Publication Sen	Action		10/16/2019-07:46	05/20/2021-07:46	
Moss, Kenneth Ray	11/12/2019_JURY_Roster/Notice of Case Roster Publication Sen	Action		10/16/2019-07:46	05/20/2021-07:46	
Johnson, Pope D. III	11/12/2019_JURY_Roster/Notice of Case Roster Publication Sen	Action		10/16/2019-07:46	05/20/2021-07:46	
Aiken, J. Boone III	11/12/2019_JURY_Roster/Notice of Case Roster Publication Sen	Action		10/16/2019-07:46	05/20/2021-07:46	
Jardine, Kerry Kathleen	11/12/2019_JURY_Roster/Notice of Case Roster Publication Sen	Action		10/16/2019-07:46	05/20/2021-07:46	
Moss, Kenneth Ray	11/4/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		10/07/2019-12:53	05/20/2021-12:53	
Moss, Kenneth Ray	11/4/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		10/07/2019-12:53	05/20/2021-12:53	
Aiken, J. Boone III	11/4/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		10/07/2019-12:53	05/20/2021-12:53	
Pearce, Christopher H.	11/4/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		10/07/2019-12:53	05/20/2021-12:53	
Pearce, Christopher H.	11/4/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		10/07/2019-12:53	05/20/2021-12:53	
Pearce, Christopher H.	11/4/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		10/07/2019-12:53	05/20/2021-12:53	
Pearce, Christopher H.	11/4/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		10/07/2019-12:53	05/20/2021-12:53	
Aiken, J. Boone III	11/4/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		10/07/2019-12:53	05/20/2021-12:53	
Aiken, J. Boone III	11/4/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		10/07/2019-12:53	05/20/2021-12:53	
Aiken, J. Boone III	11/4/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		10/07/2019-12:53	05/20/2021-12:53	
Jardine, Kerry Kathleen	11/4/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		10/07/2019-12:53	05/20/2021-12:53	
Jardine, Kerry Kathleen	11/4/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		10/07/2019-12:53	05/20/2021-12:53	
Jardine, Kerry Kathleen	11/4/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		10/07/2019-12:53	05/20/2021-12:53	
Jardine, Kerry	11/4/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		10/07/2019-12:53	05/20/2021-12:53	

Kathleen						
Moss, Kenneth Ray	11/4/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		10/07/2019-12:53	05/20/2021-12:53	
Moss, Kenneth Ray	11/4/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		10/07/2019-12:53	05/20/2021-12:53	
Johnson, Pope D. III	11/4/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		10/07/2019-12:53	05/20/2021-12:53	
Johnson, Pope D. III	11/4/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		10/07/2019-12:53	05/20/2021-12:53	
Johnson, Pope D. III	11/4/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		10/07/2019-12:53	05/20/2021-12:53	
Johnson, Pope D. III	11/4/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		10/07/2019-12:53	05/20/2021-12:53	
Worley, Harold G	NEF(08-27-2019 09:37:52 AM) Order/Electronic Form 4	Filing		08/27/2019-09:38	05/20/2021-09:38	
Worley, Harold G	Order/Electronic Form 4-Motion/Compel is continued	Order		08/27/2019-09:37	05/20/2021-09:37	
Worley, Harold G	NEF(08-23-2019 10:12:48 AM) Motion/Relieve As Counsel	Filing		08/23/2019-11:22	05/20/2021-11:22	
Worley, Harold G	Motion/Relieve As Counsel	Motion		08/23/2019-10:12	11/04/2019-10:12	
Tomberlin Pole Treatment Company LLC	NEF(08-20-2019 02:31:10 PM) Motion/Compel	Filing		08/20/2019-14:57	05/20/2021-14:57	
Tomberlin Pole Treatment Company LLC	Motion/Compel	Motion		08/20/2019-14:31	01/03/2020-14:31	
Horry Electric Cooperative Inc	NEF(08-09-2019 06:42:16 AM) Motion/Compel	Filing		08/09/2019-10:32	05/20/2021-10:32	
Horry Electric Cooperative Inc	Motion/Compel	Motion		08/09/2019-06:42	01/03/2020-06:42	
Johnson, Pope D. III	8/26/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		07/30/2019-08:44	05/20/2021-08:44	
Pearce, Christopher H.	8/26/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		07/30/2019-08:44	05/20/2021-08:44	
Jardine, Kerry Kathleen	8/26/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		07/30/2019-08:44	05/20/2021-08:44	
Aiken, J. Boone III	8/26/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		07/30/2019-08:44	05/20/2021-08:44	
Moss, Kenneth Ray	8/26/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		07/30/2019-08:44	05/20/2021-08:44	
Worley, Harold G	NEF(07-19-2019 09:52:18 AM) Order/Scheduling Order	Filing		07/19/2019-09:52	05/20/2021-09:52	
Worley, Harold G	Order/Scheduling Order	Order		07/19/2019-09:52	05/20/2021-09:52	
Worley, Harold G	NEF(07-09-2019 02:17:46 PM) Motion/Continuance	Filing		07/10/2019-09:32	05/20/2021-09:32	

Worley, Harold G	Motion/Continuance	Motion		07/09/2019-14:17	05/20/2021-14:17	
Aiken, J. Boone III	7/29/2019_JURY_Roster/Notice of Case Roster Publication Sent	Action		07/02/2019-09:57	05/20/2021-09:57	
Pearce, Christopher H.	7/29/2019_JURY_Roster/Notice of Case Roster Publication Sent	Action		07/02/2019-09:57	05/20/2021-09:57	
Johnson, Pope D. III	7/29/2019_JURY_Roster/Notice of Case Roster Publication Sent	Action		07/02/2019-09:57	05/20/2021-09:57	
Jardine, Kerry Kathleen	7/29/2019_JURY_Roster/Notice of Case Roster Publication Sent	Action		07/02/2019-09:57	05/20/2021-09:57	
Moss, Kenneth Ray	7/29/2019_JURY_Roster/Notice of Case Roster Publication Sent	Action		07/02/2019-09:57	05/20/2021-09:57	
Worley, Harold G	NEF(06-13-2019 04:36:10 PM) ADR/Proof of ADR	Filing		06/13/2019-16:36	05/20/2021-16:36	
Worley, Harold G	ADR/Proof of ADR	Action		06/13/2019-16:36	06/11/2019-16:36	
Tomberlin Pole Treatment Company LLC	NEF(06-10-2019 04:52:42 PM) Motion/Compel	Filing		06/11/2019-08:42	05/20/2021-08:42	
Tomberlin Pole Treatment Company LLC	Motion/Compel	Motion		06/10/2019-16:52	01/03/2020-16:52	   
Worley, Harold G	NEF(06-07-2019 02:40:43 PM) Order/Summary Judgment	Filing		06/07/2019-14:40	05/20/2021-14:40	
Worley, Harold G	Order/Summary Judgment	Order		06/07/2019-14:40	05/20/2021-14:40	
Worley, Harold G	NEF(06-06-2019 04:39:51 PM) Order/Order Cover Sheet \$25....	Filing		06/07/2019-08:49	05/20/2021-08:49	
Worley, Harold G	Order/Order Cover Sheet \$25.00	Filing		06/06/2019-16:39	05/20/2021-16:39	
Worley, Harold G	ADR/Notice of ADR	Action		04/30/2019-09:50	06/13/2019-09:50	
Worley, Harold G	NEF(04-02-2019 12:11:54 PM) Order/Electronic Form 4	Filing		04/02/2019-12:12	05/20/2021-12:12	
Worley, Harold G	Order/Electronic Form 4/Defendant's Motion/Summary Judgment	Order		04/02/2019-12:11	05/20/2021-12:11	
Worley, Harold G	NEF(04-01-2019 04:26:09 PM) Memo/Memo in Opposition	Filing		04/02/2019-08:31	05/20/2021-08:31	
Worley, Harold G	Memo/Memo in Opposition	Filing		04/01/2019-16:26	05/20/2021-16:26	    
Johnson, Pope D. III	4/1/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2019-11:39	05/20/2021-11:39	
Aiken, J. Boone III	4/1/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2019-11:39	05/20/2021-11:39	
Pearce, Christopher H.	4/1/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2019-11:39	05/20/2021-11:39	
Jardine, Kerry Kathleen	4/1/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2019-11:39	05/20/2021-11:39	
Moss,	4/1/2019_MOTION_Roster/Notice	Action		03/06/2019-	05/20/2021-	

Kenneth Ray	of Motions Roster Publication			11:39	11:39	
Horry Electric Cooperative Inc	NEF(02-25-2019 03:25:32 PM) Order/Protection from Court ...	Filing		02/25/2019-15:26	05/20/2021-15:26	
Horry Electric Cooperative Inc	Order/Protection from Court Appearance	Order		02/25/2019-15:25	05/20/2021-15:25	
Tomberlin Pole Treatment Company LLC	NEF(02-25-2019 11:23:30 AM) Stipulation/Stipulation of	Filing		02/25/2019-11:36	05/20/2021-11:36	
Tomberlin Pole Treatment Company LLC	Stipulation/Stipulation of Mediator and Mediation date	Filing		02/25/2019-11:23	05/20/2021-11:23	
Horry Electric Cooperative Inc	NEF(02-20-2019 08:56:50 AM) Proposed Order/Protection fr...	Filing		02/21/2019-08:17	05/20/2021-08:17	
Horry Electric Cooperative Inc	Order/Order Cover Sheet \$25.00	Filing		02/20/2019-08:56	05/20/2021-08:56	
Squirrel System Inc	NEF(02-18-2019 01:37:12 PM) Motion/Summary Judgment	Filing		02/18/2019-13:59	05/20/2021-13:59	
Squirrel System Inc	Motion/Summary Judgment	Motion		02/18/2019-13:37	04/02/2019-13:37	
Moss, Kenneth Ray	2/26/2019_ADRSANC_NOTICE ADR SANCTION ROSTER PUBLICATION	Action		01/29/2019-14:45	05/20/2021-14:45	
Johnson, Pope D. III	2/26/2019_ADRSANC_NOTICE ADR SANCTION ROSTER PUBLICATION	Action		01/29/2019-14:45	05/20/2021-14:45	
Aiken, J. Boone III	2/26/2019_ADRSANC_NOTICE ADR SANCTION ROSTER PUBLICATION	Action		01/29/2019-14:45	05/20/2021-14:45	
Jardine, Kerry Kathleen	2/26/2019_ADRSANC_NOTICE ADR SANCTION ROSTER PUBLICATION	Action		01/29/2019-14:45	05/20/2021-14:45	
Pearce, Christopher H.	2/26/2019_ADRSANC_NOTICE ADR SANCTION ROSTER PUBLICATION	Action		01/29/2019-14:45	05/20/2021-14:45	
Jardine, Kerry Kathleen	2/25/2019_ADRSANC_NOTICE ADR SANCTION ROSTER PUBLICATION	Action		01/28/2019-09:03	05/20/2021-09:03	
Pearce, Christopher H.	2/25/2019_ADRSANC_NOTICE ADR SANCTION ROSTER PUBLICATION	Action		01/28/2019-09:03	05/20/2021-09:03	
Johnson, Pope D. III	2/25/2019_ADRSANC_NOTICE ADR SANCTION ROSTER PUBLICATION	Action		01/28/2019-09:03	05/20/2021-09:03	
Aiken, J. Boone III	2/25/2019_ADRSANC_NOTICE ADR SANCTION ROSTER PUBLICATION	Action		01/28/2019-09:03	05/20/2021-09:03	
Moss, Kenneth Ray	2/25/2019_ADRSANC_NOTICE ADR SANCTION ROSTER PUBLICATION	Action		01/28/2019-09:03	05/20/2021-09:03	
Worley, Harold G	NEF(11-15-2018 02:06:45 PM) Notice/Other	Filing		11/15/2018-14:13	05/20/2021-14:13	

Worley, Harold G	Notice/Amended Notice DESTRUCTIVE EXAMINATION	Filing	11/15/2018-14:06	05/20/2021-14:06	
Worley, Harold G	NEF(10-24-2018 08:53:46 AM) Order/Protection from Court ...	Filing	10/24/2018-08:53	05/20/2021-08:53	
Worley, Harold G	Order/Protection from Court Appearance	Order	10/24/2018-08:53	05/20/2021-08:53	
Worley, Harold G	NEF(10-19-2018 10:54:22 AM) Letter/Letter	Filing	10/22/2018-15:11	05/20/2021-15:11	
Worley, Harold G	Letter/Letter	Filing	10/19/2018-10:54	05/20/2021-10:54	
Worley, Harold G	Notice Of Destructive Examination/Letter	Filing	09/24/2018-13:20	05/20/2021-10:17	
Worley, Harold G	NEF(09-21-2018 01:05:38 PM) Motion/Protection Court Appe...	Filing	09/21/2018-13:28	05/20/2021-13:28	
Worley, Harold G	Motion/Protection Court Appearance	Motion	09/21/2018-13:05	09/27/2018-13:05	
Worley, Harold G	NEF(07-24-2018 11:52:58 AM) Order/Scheduling Order	Filing	07/24/2018-11:53	05/20/2021-11:53	
Worley, Harold G	Order/Scheduling Order	Order	07/24/2018-11:52	05/20/2021-11:52	
Worley, Harold G	NEF(07-20-2018 08:36:46 AM) Motion/Alter and/or Amend	Filing	07/20/2018-11:13	05/20/2021-11:13	
Worley, Harold G	Motion/Alter and/or Amend	Motion	07/20/2018-08:36	07/26/2018-08:36	
Johnson, Pope D. III	8/10/2018_ADRSANC_NOTICE ADR SANCTION ROSTER PUBLICATION	Action	07/10/2018-14:25	05/20/2021-14:25	
Moss, Kenneth Ray	8/10/2018_ADRSANC_NOTICE ADR SANCTION ROSTER PUBLICATION	Action	07/10/2018-14:25	05/20/2021-14:25	
Aiken, J. Boone III	8/10/2018_ADRSANC_NOTICE ADR SANCTION ROSTER PUBLICATION	Action	07/10/2018-14:25	05/20/2021-14:25	
Pearce, Christopher H.	8/10/2018_ADRSANC_NOTICE ADR SANCTION ROSTER PUBLICATION	Action	07/10/2018-14:25	05/20/2021-14:25	
Jardine, Kerry Kathleen	8/10/2018_ADRSANC_NOTICE ADR SANCTION ROSTER PUBLICATION	Action	07/10/2018-14:25	05/20/2021-14:25	
Worley, Harold G	NEF(05-31-2018 11:54:57 AM) Order/Form 4	Filing	05/31/2018-11:55	05/20/2021-11:55	
Worley, Harold G	Order/Form 4-Motion/Compel is RESOLVED	Order	05/31/2018-11:54	05/20/2021-11:54	
Johnson, Pope D. III	5/30/2018_MOTION_Roster/Notice of Motions Roster Publication	Action	05/02/2018-10:05	05/20/2021-10:05	
Jardine, Kerry Kathleen	5/30/2018_MOTION_Roster/Notice of Motions Roster Publication	Action	05/02/2018-10:05	05/20/2021-10:05	
Pearce, Christopher H.	5/30/2018_MOTION_Roster/Notice of Motions Roster Publication	Action	05/02/2018-10:05	05/20/2021-10:05	
Moss, Kenneth Ray	5/30/2018_MOTION_Roster/Notice of Motions Roster Publication	Action	05/02/2018-10:05	05/20/2021-10:05	
Miller, Keegan B.	5/30/2018_MOTION_Roster/Notice of Motions Roster Publication	Action	05/02/2018-10:05	05/20/2021-10:05	
Aiken, J. Boone III	5/30/2018_MOTION_Roster/Notice of Motions Roster Publication	Action	05/02/2018-10:05	05/20/2021-10:05	
Tomberlin Pole Treatment	NEF(04-17-2018 03:27:26 PM) Motion/Compel	Filing	04/18/2018-08:30	05/20/2021-08:30	

Company LLC						
Tomberlin Pole Treatment Company LLC	Motion/Compel	Motion		04/17/2018-15:27	05/30/2018-15:27	
Power Line Clearing Contractors Inc	NEF(02-19-2018 10:49:33 AM) Stipulation Of Dismissal	Filing		02/19/2018-11:51	05/20/2021-11:51	
Power Line Clearing Contractors Inc	Stipulation Of Dismissal Without Prejudice	Filing		02/19/2018-10:49	05/20/2021-10:49	
Worley, Harold G	Archived Document	Filing		02/12/2018-00:00	05/20/2021-00:00	
Moss, Kenneth Ray	Archived Document	Filing		02/12/2018-00:00	05/20/2021-00:00	
Johnson, Pope D. III	Archived Document	Filing		02/12/2018-00:00	05/20/2021-00:00	
Jardine, Kerry Kathleen	Archived Document	Filing		02/12/2018-00:00	05/20/2021-00:00	
Pearce, Christopher H.	Archived Document	Filing		02/12/2018-00:00	05/20/2021-00:00	
Aiken, J. Boone III	Archived Document	Filing		02/12/2018-00:00	05/20/2021-00:00	
Miller, Keegan B.	Archived Document	Filing		02/12/2018-00:00	05/20/2021-00:00	
Nickels, Christopher William	Archived Document	Filing		02/12/2018-00:00	05/20/2021-00:00	
Buffington, Robert Walton	Archived Document	Filing		02/12/2018-00:00	05/20/2021-00:00	
Horry Electric Cooperative Inc	NEF(12-11-2017 09:55:31 AM) Answer/Answer To Amended Com...	Filing		12/11/2017-10:10	05/20/2021-10:10	
Horry Electric Cooperative Inc	Answer/Defendants Answer To Amended Complaint	Filing		12/11/2017-09:55	05/20/2021-09:55	
Power Line Clearing Contractors Inc	NEF(12-05-2017 02:33:34 PM) Notice/Notice of Appearance	Filing		12/05/2017-14:49	05/20/2021-14:49	
Power Line Clearing Contractors Inc	Notice/Notice of Appearance	Filing		12/05/2017-14:33	05/20/2021-14:33	
Power Line Clearing Contractors Inc	Answer/Power Line Clearing Contractors, INC.'s	Filing		12/05/2017-14:33	05/20/2021-14:33	
Squirrel System Inc	NEF(11-08-2017 10:40:30 AM) Order/Signed Order/Protectio...	Filing		11/08/2017-11:11	05/20/2021-11:11	

Squirrel System Inc	Order/Signed Order/Protection from Court Appearance	Filing		11/08/2017-10:40	05/20/2021-10:40	
Squirrel System Inc	NEF(11-03-2017 10:09:38 AM) Answer/Answer	Filing		11/03/2017-10:11	05/20/2021-10:11	
Squirrel System Inc	Answer/Answer on Behalf of Squirrel System, INC.	Filing		11/03/2017-10:09	05/20/2021-10:09	
Squirrel System Inc	NEF(11-01-2017 03:00:46 PM) Notice/Notice of Appearance	Filing		11/01/2017-15:01	05/20/2021-15:01	
Squirrel System Inc	Notice/Notice of Appearance	Filing		11/01/2017-15:00	05/20/2021-15:00	
Tomberlin Pole Treatment Company LLC	NEF(10-20-2017 04:04:20 PM) Answer/Answer	Filing		10/20/2017-16:12	05/20/2021-16:12	
Tomberlin Pole Treatment Company LLC	NEF(10-20-2017 04:05:48 PM) Notice/Notice of Appearance	Filing		10/20/2017-16:06	05/20/2021-16:06	
Tomberlin Pole Treatment Company LLC	Notice/Notice of Appearance	Filing		10/20/2017-16:05	05/20/2021-16:05	
Tomberlin Pole Treatment Company LLC	Notice/Notice of Appearance	Filing		10/20/2017-16:04	05/20/2021-16:04	
Tomberlin Pole Treatment Company LLC	Answer/Answer of Tomberlin Pole Treatment Company, LLC	Filing		10/20/2017-16:04	05/20/2021-16:04	
Worley, Harold G	Withdrawal of Motion for Leave to Amend	Filing		09/22/2017-12:32	05/20/2021-12:32	
Worley, Harold G	Stipulation/Stipulation of Counsel	Filing		09/22/2017-10:43	05/20/2021-10:43	
Johnson, Pope D. III	9/25/2017_MOTION_Roster/Notice of Motions Roster Publication	Action		08/25/2017-08:41	05/20/2021-08:41	
Moss, Kenneth Ray	9/25/2017_MOTION_Roster/Notice of Motions Roster Publication	Action		08/25/2017-08:41	05/20/2021-08:41	
Worley, Harold G	Amended/Amended Summons And Complaint	Filing		08/18/2017-15:37	05/20/2021-15:37	
Worley, Harold G	Motion/Leave to Amend	Motion		08/08/2017-12:02	09/22/2017-12:02	
Worley, Harold G	ADR/Alternative Dispute Resolution (Workflow)	Action		07/04/2017-08:24	05/13/2018-08:24	
Worley, Harold G	Order/Signed Order/Protection from Court Appearance	Filing		06/23/2017-14:23	05/20/2021-14:23	
Worley, Harold G	Order/Signed Order/Protection from Court Appearance	Filing		04/06/2017-15:08	05/20/2021-15:08	
Horry Electric Cooperative Inc	Acceptance Of Service	Filing		03/13/2017-08:34	05/20/2021-13:37	
Horry Electric	Answer And Service	Filing		03/13/2017-08:34	05/20/2021-13:35	

Cooperative Inc					
	Verification/Verified	Filing		12/06/2016-16:22	05/20/2021-16:22
Worley, Harold G	Summons & Complaint/Verification of Complaint	Filing		12/06/2016-08:22	05/20/2021-08:22 

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**STATE OF SOUTH CAROLIA
IN THE
COURT OF APPEALS**

Appeal from the Court of Common Pleas
For Horry County

Honorable Paul M. Burch, Circuit Court Judge
Civil Action No.: 2016-CP-26-07787

Appellate Case No. 2021-000652

HAROLD G. WORLEY and THOMAS WADE LONG and
HAROLD G. WORLEY as SUCCESSOR TRUSTEE of
TRUST B of the SANDRA GAIL WORLEY IRREVOCABLE
TRUST UNDER TRUST AGREEMENT DATED JULY 31, 2010,

Appellants,

vs.

HORRY ELECTRIC COOPERATIVE, INC.,

Respondent.

AFFIDAVIT OF KENYATTA L. GARDNER, ESQUIRE

Bradish J. Waring, Esquire
SC Bar No.: 5828
Stephen P. Groves, Sr., Esquire
SC Bar No.: 7854
Kenyatta L. Gardner, Esquire
SC Bar No.: 100087
BUTLER SNOW LLP
25 Calhoun Street, Suite 250
Charleston, South Carolina 29401
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Telecopier: 843.277.3701
E-Mail: Brad.Waring@butlersnow.com
Stephen.Groves@butlersnow.com
Kenny.Gardner@butlersnow.com

*Attorneys for the Respondent,
Horry Electric Cooperative, Inc.*

IN THE SOUTH CAROLINA
COURT OF APPEALS
Appellate Case No.
2021-000652

**AFFIDAVIT OF
KENYATTA L. GARDNER'
ESQUIRE**

Respondent.

to Dismiss Appeal contemporaneously submitted by the Respondent, Horry Electric Cooperative, Inc. ("HEC").

7. I believe that the following matters, statements, facts, and/or things set forth in this affidavit are true and correct to the best of my knowledge.

8. I believe *Motion to Dismiss Appeal* is well-founded and requires this Court of Appeals to dismiss this appeal filed by the Appellants, Harold G. Worley and Thomas Wade Long and Harold G. Worley as successor trustee of Trust B of the Sandra Gail Worley Irrevocable Trust under Trust Agreement dated July 31, 2010 (the "Worley Appellants"), for failure to comply with the South Carolina Appellate Court Rules.

9. This case arises out of a New Year's Eve 2014 fire which destroyed both a workshop owned by the Appellant, Harold G. Worley, as well as the contents contained within the workshop.

10. Even though Horry County Fire Rescue concluded that the cause of the workshop fire was "undetermined", the Worley Appellants sued HEC in the Horry County Court of Common Pleas on 6 December 2016, asserting that HEC was negligent for, among other things, failing to trim and/or remove tree limbs ostensibly hanging over a HEC powerline which provided electricity to the workshop.

11. The Worley Appellants asserted HEC's negligence was the proximate cause of the workshop fire and, therefore, HEC was legally responsible for the Worley Appellants' damages and losses.

12. Federated Rural Electric Insurance Exchange ("Federated"), the insurance carrier which provided liability insurance coverage to HEC, retained Pope D. Johnson, III, Esquire of Columbia, South Carolina, to defend HEC.

13. It is my understanding that sometime in late December 2020, or early 2021, Mr. Johnson developed medical problems and retired from the active practice of law, thereby requiring Federated to retain new counsel for HEC.

14. On approximately 12 January 2021, Federated contacted my law partner, Bradish J. Waring, Esquire and thereafter retained Butler Snow to represent HEC in the litigation pending in the Horry County Court of Common Pleas.

15. At the time Federated contacted Butler Snow the Worley Appellants had been and were being represented by Kevin M. Barth, Esquire of Barth, Ballenger & Lewis, LLP from Florence, South Carolina.

16. When pleadings, motions, letters, and other prepared documents are submitted to a South Carolina Circuit Court they are filed through the South Carolina judicial electronic court filing system ("ECF System") which, in turn, sends out a Notice of Electronic Filing ("NEF") to provide notice to all counsel of record that the referenced document has been filed with the Circuit Court.

17. On 19 January 2021, Mr. Waring and I, together with Mr. Johnson, filed a *Consent Motion for Withdrawal and Substitution of Counsel* (the "*Substitution Motion*") with the Horry County Court of Common Pleas and the ECF System generated an NEF showing filing notice being provided to, among others, Mr. Barth and Mr. Johnson.

18. On 19 January 2021, I filed a *Notice of Appearance* with the Horry County Court of Common Pleas and the ECF System generated an NEF showing filing notice being provided to, among others, Mr. Barth and Mr. Johnson.

19. On 27 January 2021, the Horry County Court of Common Pleas entered an order signed by the Honorable Benjamin H. Culbertson, Circuit Court Judge, entitled *Order for Withdrawal and Substitution of Counsel* (the “*Counsel Substitution Order*”) which permitted Mr. Johnson to withdraw as counsel for HEC and, in turn, substituted Butler Snow as HEC’s new attorneys.

20. The ECF System generated an NEF showing that notice the *Counsel Substitution Order* had been filed was being provided to, among others, Mr. Waring and me (as HEC’s attorneys) and Mr. Barth (as the Worley Appellants’ lawyer), but notice was not provided to Mr. Johnson.

21. Mr. Waring and I have handled the litigation proceedings in the Horry County Court of Common Pleas as HEC’s attorneys since Butler Snow was contacted by Federated and then substituted for Mr. Johnson on 27 January 2021.

22. Since HEC retained Butler Snow, Mr. Waring and I have served discovery and filed various pleadings and/or motions in the Circuit Court as attorneys working on behalf of HEC.

23. On 18 May 2021, Mr. Waring and I appeared before the Honorable Paul M. Burch, Circuit Court Judge, and a jury in the Horry County Courthouse for the jury trial in this matter.

24. The Worley Appellants presented their case in chief and, when the Worley Appellants rested, HEC moved for a directed verdict pursuant to Rule 50(a), SCRCivP,

25. HEC argued the Worley Appellants had failed to present any testimony from qualified expert(s) which either concluded and/or reasonably inferred that HEC’s alleged negligence concerning the tree limbs was the proximate cause of the workshop fire.

26. The Circuit Court Judge granted HEC's directed verdict motion from the Bench and dismissed the Worley Appellants' claims against HEC.

27. The Circuit Court Judge issued a *Form 4 Order*, dated and filed on 19 May 2021, indicating that a directed verdict had been granted and instructed Mr. Waring to prepare a formal order.

28. The ECF System generated an NEF filing notice for the *Form 4 Order* that was provided to, among others, Mr. Barth (as the Worley Appellant's attorney) and to Mr. Waring and me (as HEC's lawyers), but without any notice being provided to Mr. Johnson.

29. As requested, Mr. Waring and I prepared a proposed formal order and submitted it to the Circuit Court Judge on 25 May 2021, by electronic mail.

30. On 27 May 2021, I received NEF indicating that the *Order Granting Motion for Directed Verdict* to HEC (the "*Formal Order*") had been filed that day with the Horry County Court of Common Pleas.

31. The NEF indicated notice of the filing of the *Formal Order* was being provided to, among others, Mr. Waring and me as counsel for HEC and to Mr. Barth as counsel for the Worley Appellants, but without any notice being provided to Mr. Johnson.

32. On 27 May 2021, I used my office computer to access the Horry County Fifteenth Judicial Circuit Public Index (the "Horry County Court Public Index") for the Circuit Court proceedings in this action and printed out a copy of the *Formal Order*.

33. In accordance with Rule 203(b)(1), SCACR, the Worley Appellants would have had until 28 June 2021, to appeal the *Final Order* to this Court of Appeals (as the 30th day fell on Saturday, 26, June 2021).

34. I was not served with either a copy of a *Notice of Appeal* or of any other document from the Worley Appellants or their attorneys during the time period of 20 June 2021, until 1 July 2021.

35. I have reviewed of the South Carolina Appellate Case Management System a/k/a C-Track Public Access ("SCACMS") section for this particular appellate matter.

36. The SCACMS shows that the Worley Appellants, by and through appellate counsel, John M. Leiter, Esquire of Law Offices of John M. Leiter, PA in Myrtle Beach, South Carolina, filed a *Notice of Appeal* with this Court of Appeals on 21 June 2021.

37. The *Proof of Service* attached to the *Notice of Appeal* indicated that Mr. Leiter had "served the **Notice of Appeal** on [HEC] by depositing a copy of it in the United States Mail, postage prepaid, on June 21, 2021, addressed to the attorney of record, Pope D. Johnson, III, Esq., 1230 Richland Street, Columbia, SC 29201" (Emphasis in original).

38. On 21 June 2021, Mr. Johnson was not HEC's counsel of record as the *Counsel Substitution Order* had permitted him to withdraw as HEC's legal counsel as of 27 January 2021.

39. On 21 June 2021, Mr. Waring and I were HEC's designated counsel of record and had been working in that capacity since 27 January 2021, pursuant to the *Counsel Substitution Order*.

40. On 2 July 2021, I received a copy of a NEF notifying me that a copy of the *Notice of Appeal* previously filed with this Court of Appeals on 21 June 2021, had been filed with the Horry County Court of Common Pleas.

41. The NEF indicated that notice of the filing was being provided to, among others, Mr. Waring and me as attorneys for HEC and to Mr. Barth as counsel for the Worley Appellants, but without any notice being given to Mr. Johnson.

42. This was the first time I had received any type of notice, either written or otherwise, indicating that the Worley Appellants had filed an appeal in this matter.

43. As one of the attorneys of record for HEC I did not receive a copy of the *Notice of Appeal* filed in this Court of Appeals or any other type of notice, written or otherwise, from the Worley Appellants during the 30-day appellate time limit imposed by Rule 203(b)(1), SCACR.

44. A review of the "Case Parties" printout from the Horry County Court Public Index for this matter shows that Mr. Waring and I are listed as attorneys of record for HEC and that Mr. Johnson was designated as "inactive".¹

45. A review of the "Actions" printout from the Horry County Court Public Index section for this matter shows that Mr. Waring and I have been involved in this litigation as HEC's attorneys of record from around 19 January 2021, onward through the jury trial and the Circuit Court Judge's issuance of the *Formal Order*.²

¹ A copy of the "Case Parties" section of the Horry County Court Public Index as of 9 July 2021, is attached hereto as Exhibit "A" and incorporated herein by reference as are all other attached exhibits.

² A copy of the "Action" section of the Horry County Court Public Index as of 9 July 2021, is attached hereto as Exhibit "B".

46. A review of the "Actions" printout from the Horry County Court Public Index section for this matter shows that Mr. Johnson did not appear as one of HEC's attorneys after 27 January 2021, and is not designated in the activity listing after the 10 November 2020, notice of the 19 January 2021, motions roster.³

47. A review of the Horry County Court Public Index webpage for this particular Circuit Court matter shows that Mr. Waring and I were designated as attorneys for HEC and that Mr. Johnson was listed as "inactive".⁴

48. A review of the Horry County Court Public Index webpage for this particular Circuit Court matter shows that Mr. Waring and I were listed as attorneys for HEC with no reference to Mr. Johnson after the 7 January 2021 entry for notice of a motions hearing.⁵

49. I attest that the copies of the documents, photographs, reports, etc. which have been hereto as **Exhibit "A"** through **Exhibit "B"** are true, correct, and accurate copies of those referenced documents.

³ See **Exhibit "B"** at p.4.

⁴ (webpage was last visited and viewed on 9 July 2021) - (<https://publicindex.sccourts.org/Horry/PublicIndex/CaseDetails.aspx?County=26&CourtAgency=26002&Casenum=2016CP2607787&CaseType=V&HKey=8679109117108681137977784889727210151995012112154906643109431165550122439848122837375765278568999>).

⁵ (webpage was last visited and viewed on 9 July 2021) - (<https://publicindex.sccourts.org/Horry/PublicIndex/CaseDetails.aspx?County=26&CourtAgency=26002&Casenum=2016CP2607787&CaseType=V&HKey=8679109117108681137977784889727210151995012112154906643109431165550122439848122837375765278568999>).

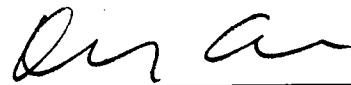
50. I attest that I have not altered or otherwise changed in any way or manner the copies of the documents which have been attached hereto as Exhibit "A" through Exhibit "B".

51. I attest that I have read and reviewed each and every page of this affidavit, as well as each and every page of the documents which have been attached to this affidavit as Exhibit "A" through Exhibit "B".

52. Even though I did not draft this affidavit, I have read through this document thoroughly and I agree with and attest to the statements and facts set forth herein just as if I had typed this myself.

AFFIANT FURTHER SAYETH NOT.

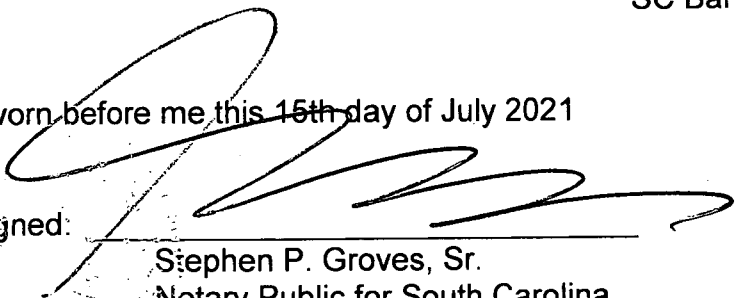
Signed: _____



Kenyatta L. Gardner, Esquire
SC Bar No. 100087

Sworn before me this 15th day of July 2021

Signed: _____



Stephen P. Groves, Sr.
Notary Public for South Carolina

My Commission Expires: 21 August 2028

STEPHEN P. GROVES, SR.
Notary Public, State of South Carolina
My Commission Expires 8/21/2028

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Horry County Fifteenth Judicial Circuit Public Index



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Switch View

Harold G Worley , plaintiff, et al VS Horry Electric Cooperative Inc , defendant, et al

Case Number:	2016CP2607787	Court Agency:	Common Pleas	Filed Date:	12/06/2016
Case Type:	Common Pleas	Case Sub Type:	Person Inj/Other 399	File Type:	Jury
Status:	Appeal	Assigned Judge:	Clerk Of Court C P, G S, And Family Court		
Disposition:	Appealed Supreme Court/Ct of Appeals	Disposition Date:	05/20/2021	Disposition Judge:	Burch, Paul M.
Original Source Doc:		Original Case #:			
Judgment Number:		Court Roster:			

Case Parties Judgments Tax Map Information Associated Cases Actions Financials

Click the ☒ icon to show associated parties.

Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
☒ Aiken, J. Boone III	PO Drawer 1931 Florence SC 29503				Defendant Attorney		11/01/2017
☒ Barth, Kevin Mitchell	PO Box 107 Florence SC 29503				Plaintiff Attorney		11/14/2019
Buffington, Robert Walton(Inactive)	PO Box 340 Charleston SC 29402				Alternate Mediator		02/12/2018
☒ Gardner, Kenyatta L.	25 Calhoun Street Suite 250 Charleston SC 29401				Defendant Attorney		01/19/2021
☒ Gardner, Kenyatta L.	25 Calhoun Street Suite 250 Charleston SC 29401				Defendant Attorney		01/19/2021
☒ Horry Electric Cooperative Inc					Defendant		05/25/2021
☒ Jardine, Kerry Kathleen(Inactive)	1314 Professional Dr Myrtle Beach SC 29577				Defendant Attorney		02/03/2021
☒ Johnson, Pope D. III(Inactive)	1230 Richland Street Columbia SC 29201				Defendant Attorney		01/27/2021
☒ Leiter, John M.	405 79Th Ave. North, Suite B Myrtle Beach SC 29572				Plaintiff Attorney		07/02/2021
☒ Long, Thomas Wade					Plaintiff		08/21/2017
☒ Miller, Keegan B. (Inactive)	901 Richland St. Judge Anderson's Chambers Columbia SC 29201				Defendant Attorney		01/06/2020
☒ Moss, Kenneth Ray(Inactive)	628A Sea Mountain Highway North Myrtle Beach SC 29582				Plaintiff Attorney		11/14/2019
Nickels, Christopher William(Inactive)	126 Seven Farms Dr., Ste. 200 Charleston SC 29492				Mediator		02/12/2018

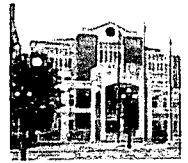
☒ Pearce, Christopher H.(Inactive)	1314 Professional Drive Myrtle Beach SC 29577				Defendant Attorney		02/03/2021
☒ Power Line Clearing Contractors Inc(Inactive)					Defendant		02/19/2018
☒ Sandra Gall Worley Revocable Trust					Plaintiff		05/21/2020
☒ Squirrel System Inc(Inactive)					Defendant		05/08/2020
☒ Tomberlin Pole Treatment Company LLC(Inactive)					Defendant		05/21/2020
☒ Waring, Bradish J.	25 Calhoun Street Suite 250 Charleston SC 29401				Defendant Attorney		01/19/2021
☒ Worley, Harold Gene					Plaintiff		05/21/2020
☒ Worley, Harold G					Plaintiff		07/02/2021

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Horry County Fifteenth Judicial Circuit Public Index



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Switch View

Harold G Worley , plaintiff, et al VS Horry Electric Cooperative Inc , defendant, et al

Case Number:	2016CP2607787	Court Agency:	Common Pleas	Filed Date:	12/06/2016
Case Type:	Common Pleas	Case Sub Type:	Person Inj/Other 399	File Type:	Jury
Status:	Appeal	Assigned Judge:	Clerk Of Court C P, G S, And Family Court		
Disposition:	Appealed Supreme Court/Ct of Appeals	Disposition Date:	05/20/2021	Disposition Judge:	Burch, Paul M.
Original Source Doc:		Original Case #:			
Judgment Number:		Court Roster:			

Case Parties Judgments Tax Map Information Associated Cases Actions Financials

Name	Description	Type	Motion Roster	Begin Date	Completion Date	Documents
Worley, Harold G	Appeal/Notice of Appeal to Court of Appeals	Action		07/03/2021-12:10		
Worley, Harold G	NEF(07-02-2021 12:10:34 PM) Notice/Notice of Appearance	Filing		07/02/2021-13:48		
Worley, Harold G	Notice/Notice of Appearance	Filing		07/02/2021-12:10		
Horry Electric Cooperative Inc	NEF(05-27-2021 11:51:39 AM) Order/Other	Filing		05/27/2021-11:51		
Horry Electric Cooperative Inc	Order Granting Motion For A Directed Verdict	Order		05/27/2021-11:51		
Horry Electric Cooperative Inc	NEF(05-25-2021 11:34:52 AM) Proposed Order/Other	Filing		05/25/2021-14:46		
Horry Electric Cooperative Inc	Order/Order Cover Sheet \$25.00	Filing		05/25/2021-11:34		
Worley, Harold G	NEF(05-19-2021 01:44:57 PM) Order/Electronic Form 4	Filing		05/19/2021-13:45	05/20/2021-13:45	
Worley, Harold G	Order/Electronic Form 4 - Direct Verdict Granted	Order		05/19/2021-13:44	05/20/2021-13:44	
Horry Electric Cooperative Inc	NEF(05-17-2021 12:04:26 PM) Motion/Reconsider	Filing		05/17/2021-13:21	05/20/2021-13:21	

Worley, Harold G	NEF(05-17-2021 12:53:07 PM) Order/Judgment and Form 4	Filing		05/17/2021-12:57	05/20/2021-12:57	
Worley, Harold G	Order/Motion for Summary Judgment is Denied	Order		05/17/2021-12:53	05/20/2021-12:53	
Horry Electric Cooperative Inc	Motion/Reconsider	Motion		05/17/2021-12:04	05/20/2021-12:04	
Horry Electric Cooperative Inc	NEF(05-14-2021 04:54:27 PM) Motion/In Limine	Filing		05/17/2021-08:40	05/20/2021-08:40	
Horry Electric Cooperative Inc	Motion/In Limine	Motion		05/14/2021-16:54	05/20/2021-16:54	
Horry Electric Cooperative Inc	NEF(05-12-2021 03:20:57 PM) Memo/Memo in Support	Filing		05/12/2021-15:28	05/20/2021-15:28	
Horry Electric Cooperative Inc	Memo/Memo in Support of Motion for Summary Judgment	Filing		05/12/2021-15:20	05/20/2021-15:20	
Gardner, Kenyatta L.	5/17/2021_JURY_Roster/Notice of Case Roster Publication Sent	Action		04/16/2021-08:25	05/20/2021-08:25	
Waring, Bradish J.	5/17/2021_JURY_Roster/Notice of Case Roster Publication Sent	Action		04/16/2021-08:25	05/20/2021-08:25	
Aiken, J. Boone III	5/17/2021_JURY_Roster/Notice of Case Roster Publication Sent	Action		04/16/2021-08:25	05/20/2021-08:25	
Barth, Kevin Mitchell	5/17/2021_JURY_Roster/Notice of Case Roster Publication Sent	Action		04/16/2021-08:25	05/20/2021-08:25	
Gardner, Kenyatta L.	5/17/2021_JURY_Roster/Notice of Case Roster Publication Sent	Action		04/16/2021-08:25	05/20/2021-08:25	
Gardner, Kenyatta L.	5/11/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		03/26/2021-08:17	05/20/2021-08:17	
Waring, Bradish J.	5/11/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		03/26/2021-08:17	05/20/2021-08:17	
Barth, Kevin Mitchell	5/11/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		03/26/2021-08:17	05/20/2021-08:17	
Gardner, Kenyatta L.	5/11/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		03/26/2021-08:17	05/20/2021-08:17	
Aiken, J. Boone III	5/11/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		03/26/2021-08:17	05/20/2021-08:17	
Worley, Harold G	NEF(03-03-2021 04:30:23 PM) Order/Electronic Form 4	Filing		03/03/2021-16:30	05/20/2021-16:30	
Worley, Harold G	Order/Electronic Form 4-Motion/Summary Judgment Continued	Order		03/03/2021-16:30	05/20/2021-16:30	
Horry Electric Cooperative Inc	NEF(02-24-2021 12:39:06 PM) Order/Consent Order	Filing		02/24/2021-12:39	05/20/2021-12:39	
Horry Electric Cooperative Inc	Order/Consent Order Granting Motion/Extend Hearing on Motion	Order		02/24/2021-12:39	05/20/2021-12:39	
Horry	NEF(02-22-2021 01:39:04 PM)	Filing		02/23/2021-	05/20/2021-	

Electric Cooperative Inc	Motion/Enlarge Time			08:43	08:43	
Horry Electric Cooperative Inc	Motion/Enlarge Time	Motion		02/22/2021-13:39	02/24/2021-13:39	
Barth, Kevin Mitchell	3/1/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		02/01/2021-11:50	05/20/2021-11:50	
Aiken, J. Boone III	3/1/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		02/01/2021-11:50	05/20/2021-11:50	
Gardner, Kenyatta L.	3/1/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		02/01/2021-11:50	05/20/2021-11:50	
Gardner, Kenyatta L.	3/1/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		02/01/2021-11:50	05/20/2021-11:50	
Waring, Bradish J.	3/1/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		02/01/2021-11:50	05/20/2021-11:50	
Pearce, Christopher H.	3/1/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		02/01/2021-11:50	05/20/2021-11:50	
Jardine, Kerry Kathleen	3/1/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		02/01/2021-11:50	05/20/2021-11:50	
Worley, Harold G	NEF(01-28-2021 01:15:10 PM) Stipulation Of Dismissal	Filing		01/29/2021-08:26	05/20/2021-08:26	
Worley, Harold G	Stipulation Of Dismissal As To TOMBERLIN POLE TREATMENT COMP	Filing		01/28/2021-13:15	05/20/2021-13:15	
Horry Electric Cooperative Inc	NEF(01-27-2021 09:13:04 AM) Order/Substitution Of Course...	Filing		01/27/2021-09:13	05/20/2021-09:13	
Horry Electric Cooperative Inc	Order/Substitution Of Counsel	Order		01/27/2021-09:13	05/20/2021-09:13	 
Horry Electric Cooperative Inc	NEF(01-22-2021 01:36:11 PM) Proposed Order/Substitution ...	Filing		01/25/2021-08:20	05/20/2021-08:20	
Horry Electric Cooperative Inc	Order/Order Cover Sheet \$25.00	Filing		01/22/2021-13:36	05/20/2021-13:36	
Worley, Harold G	NEF(01-20-2021 08:27:46 AM) Order/Electronic Form 4	Filing		01/20/2021-08:27	05/20/2021-08:27	
Worley, Harold G	Order/Electronic Form 4	Order		01/20/2021-08:27	05/20/2021-08:27	
Horry Electric Cooperative Inc	NEF(01-19-2021 02:00:31 PM) Notice/Notice of Appearance	Filing		01/19/2021-16:35	05/20/2021-16:35	
Horry Electric Cooperative Inc	NEF(01-19-2021 02:05:48 PM) Notice/Notice of Appearance	Filing		01/19/2021-14:06	05/20/2021-14:06	
Horry Electric	Notice/Notice of Appearance	Filing		01/19/2021-14:05	05/20/2021-14:05	

Cooperative Inc						
Horry Electric Cooperative Inc	Notice/Notice of Appearance	Filing		01/19/2021-14:00	05/20/2021-14:00	
Horry Electric Cooperative Inc	Motion/Substitute Counsel by Consent	Motion		01/19/2021-14:00	05/20/2021-14:00	
Jardine, Kerry Kathleen	1/19/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		01/07/2021-11:42	05/20/2021-11:42	
Johnson, Pope D. III	1/19/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		01/07/2021-11:42	05/20/2021-11:42	
Pearce, Christopher H.	1/19/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		01/07/2021-11:42	05/20/2021-11:42	
Barth, Kevin Mitchell	1/19/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		01/07/2021-11:42	05/20/2021-11:42	
Aiken, J. Boone III	1/19/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		01/07/2021-11:42	05/20/2021-11:42	
Aiken, J. Boone III	1/19/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		11/10/2020-10:50	05/20/2021-10:50	
Barth, Kevin Mitchell	1/19/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		11/10/2020-10:50	05/20/2021-10:50	
Pearce, Christopher H.	1/19/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		11/10/2020-10:50	05/20/2021-10:50	
Johnson, Pope D. III	1/19/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		11/10/2020-10:50	05/20/2021-10:50	
Jardine, Kerry Kathleen	1/19/2021_MOTION_Roster/Notice of Motions Roster Publication	Action		11/10/2020-10:50	05/20/2021-10:50	
Horry Electric Cooperative Inc	NEF(08-17-2020 01:44:53 PM) Transcript/Transcript of Tes...	Filing		08/17/2020-14:57	05/20/2021-14:57	
Horry Electric Cooperative Inc	Transcript/Transcript of Testimony	Filing		08/17/2020-13:44	05/20/2021-13:44	
Horry Electric Cooperative Inc	Transcript/Transcript of Testimony	Filing		08/17/2020-13:44	05/20/2021-13:44	
Worley, Harold G	NEF(07-16-2020 02:12:30 PM) Memo/Memo in Opposition	Filing		07/16/2020-14:23	05/20/2021-14:23	
Worley, Harold G	Memo/Memo in Opposition	Filing		07/16/2020-14:12	05/20/2021-14:12	    
Horry Electric Cooperative Inc	NEF(07-10-2020 10:41:42 AM) Motion/Summary Judgment	Filing		07/10/2020-11:58	05/20/2021-11:58	
Horry Electric Cooperative Inc	Motion/Summary Judgment	Motion		07/10/2020-10:41	05/11/2021-10:41	

Horry Electric Cooperative Inc	NEF(06-08-2020 04:20:57 PM) Answer/Answer To Amended Com...	Filing		06/08/2020-16:33	05/20/2021-16:33	
Horry Electric Cooperative Inc	Answer/Answer To Amended Complaint	Filing		06/08/2020-16:20	05/20/2021-16:20	
Worley, Harold G	NEF(05-21-2020 09:47:00 AM) Amended/Amended Complaint	Filing		05/21/2020-11:47	05/20/2021-11:47	
Worley, Harold G	Amended/2nd Amended Complaint	Filing		05/21/2020-09:47	05/20/2021-09:47	
Worley, Harold G	NEF(05-19-2020 09:18:35 AM) Order/Electronic Form 4	Filing		05/19/2020-09:18	05/20/2021-09:18	
Worley, Harold G	Order/Electronic Form 4- Motion/Add a Party Granted	Order		05/19/2020-09:18	05/20/2021-09:18	
Squirrel System Inc	NEF(05-08-2020 09:48:26 AM) Stipulation Of Dismissal	Filing		05/08/2020-10:11	05/20/2021-10:11	
Squirrel System Inc	Stipulation Of Dismissal Dismissing Squirrel System,INC ONLY	Filing		05/08/2020-09:48	05/20/2021-09:48	
Worley, Harold G	NEF(05-05-2020 01:18:25 PM) Order/Electronic Form 4	Filing		05/05/2020-13:18	05/20/2021-13:18	
Worley, Harold G	Order/Electronic Form 4- Motion/Partial Summary Judgment Deni	Order		05/05/2020-13:18	05/20/2021-13:18	
Worley, Harold G	NEF(03-11-2020 02:13:15 PM) Motion/Add Party	Filing		03/11/2020-14:40	05/20/2021-14:40	
Worley, Harold G	Motion/Add Party	Motion		03/11/2020-14:13	05/19/2020-14:13	
Worley, Harold G	NEF(03-06-2020 03:24:03 PM) Order/Continuance	Filing		03/06/2020-15:24	05/20/2021-15:24	
Worley, Harold G	Order/Continuance of Trial	Order		03/06/2020-15:24	05/20/2021-15:24	
Horry Electric Cooperative Inc	NEF(03-04-2020 09:35:34 AM) Motion/Dismiss & Summary Jud...	Filing		03/04/2020-11:11	05/20/2021-11:11	
Horry Electric Cooperative Inc	Motion/Dismiss & Summary Judgment	Motion		03/04/2020-09:35	05/05/2020-09:35	
Horry Electric Cooperative Inc	NEF(02-27-2020 01:53:15 PM) Motion/Continuance	Filing		02/27/2020-14:00	05/20/2021-14:00	
Horry Electric Cooperative Inc	Motion/Continuance	Motion		02/27/2020-13:53	05/20/2021-13:53	
Jardine, Kerry Kathleen	3/16/2020_JURY_Roster/Notice of Case Roster Publication Sent	Action		02/19/2020-09:20	05/20/2021-09:20	
Pearce, Christopher H.	3/16/2020_JURY_Roster/Notice of Case Roster Publication Sent	Action		02/19/2020-09:20	05/20/2021-09:20	
Barth, Kevin Mitchell	3/16/2020_JURY_Roster/Notice of Case Roster Publication Sent	Action		02/19/2020-09:20	05/20/2021-09:20	
Aiken, J. Boone III	3/16/2020_JURY_Roster/Notice of Case Roster Publication Sent	Action		02/19/2020-09:20	05/20/2021-09:20	

Johnson, Pope D. III	3/16/2020_JURY_Roster/Notice of Case Roster Publication Sent	Action		02/19/2020-09:20	05/20/2021-09:20	
Horry Electric Cooperative Inc	NEF(02-10-2020 04:27:12 PM) Master/Order/Other	Filing		02/10/2020-16:27	05/20/2021-16:27	
Horry Electric Cooperative Inc	Order of Recusal as to Judge John	Order		02/10/2020-16:27	05/20/2021-16:27	
Horry Electric Cooperative Inc	NEF(02-06-2020 09:34:01 AM) Order/Order Cover Sheet \$25....	Filing		02/06/2020-14:40	05/20/2021-14:40	
Horry Electric Cooperative Inc	Order/Order Cover Sheet \$25.00	Filing		02/06/2020-09:34	05/20/2021-09:34	
Aiken, J. Boone III	1/6/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		12/06/2019-10:30	05/20/2021-10:30	
Aiken, J. Boone III	1/6/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		12/06/2019-10:30	05/20/2021-10:30	
Aiken, J. Boone III	1/6/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		12/06/2019-10:30	05/20/2021-10:30	
Barth, Kevin Mitchell	1/6/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		12/06/2019-10:30	05/20/2021-10:30	
Barth, Kevin Mitchell	1/6/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		12/06/2019-10:30	05/20/2021-10:30	
Barth, Kevin Mitchell	1/6/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		12/06/2019-10:30	05/20/2021-10:30	
Johnson, Pope D. III	1/6/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		12/06/2019-10:30	05/20/2021-10:30	
Jardine, Kerry Kathleen	1/6/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		12/06/2019-10:30	05/20/2021-10:30	
Johnson, Pope D. III	1/6/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		12/06/2019-10:30	05/20/2021-10:30	
Johnson, Pope D. III	1/6/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		12/06/2019-10:30	05/20/2021-10:30	
Pearce, Christopher H.	1/6/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		12/06/2019-10:30	05/20/2021-10:30	
Pearce, Christopher H.	1/6/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		12/06/2019-10:30	05/20/2021-10:30	
Pearce, Christopher H.	1/6/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		12/06/2019-10:30	05/20/2021-10:30	
Jardine, Kerry Kathleen	1/6/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		12/06/2019-10:30	05/20/2021-10:30	
Jardine, Kerry Kathleen	1/6/2020_MOTION_Roster/Notice of Motions Roster Publication	Action		12/06/2019-10:30	05/20/2021-10:30	
Worley, Harold G	NEF(11-14-2019 04:56:13 PM) Order/Substitution Of Counse...	Filing		11/14/2019-16:56	05/20/2021-16:56	
Worley,	Order/Substitution Of Counsel	Order		11/14/2019-	05/20/2021-	

Harold G				16:56	16:56	
Worley, Harold G	NEF(11-13-2019 03:50:00 PM) Order/Order Cover Sheet \$25....	Filing		11/14/2019-11:21	05/20/2021-11:21	
Worley, Harold G	Order/Order Cover Sheet \$25.00	Filing		11/13/2019-15:50	05/20/2021-15:50	
Worley, Harold G	NEF(10-18-2019 04:55:59 PM) Motion/Continuance	Filing		10/21/2019-09:14	05/20/2021-09:14	
Worley, Harold G	Motion/Continuance	Motion		10/18/2019-16:55	05/20/2021-16:55	
Pearce, Christopher H.	11/12/2019_JURY_Roster/Notice of Case Roster Publication Sen	Action		10/16/2019-07:46	05/20/2021-07:46	
Moss, Kenneth Ray	11/12/2019_JURY_Roster/Notice of Case Roster Publication Sen	Action		10/16/2019-07:46	05/20/2021-07:46	
Johnson, Pope D. III	11/12/2019_JURY_Roster/Notice of Case Roster Publication Sen	Action		10/16/2019-07:46	05/20/2021-07:46	
Aiken, J. Boone III	11/12/2019_JURY_Roster/Notice of Case Roster Publication Sen	Action		10/16/2019-07:46	05/20/2021-07:46	
Jardine, Kerry Kathleen	11/12/2019_JURY_Roster/Notice of Case Roster Publication Sen	Action		10/16/2019-07:46	05/20/2021-07:46	
Moss, Kenneth Ray	11/4/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		10/07/2019-12:53	05/20/2021-12:53	
Moss, Kenneth Ray	11/4/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		10/07/2019-12:53	05/20/2021-12:53	
Aiken, J. Boone III	11/4/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		10/07/2019-12:53	05/20/2021-12:53	
Pearce, Christopher H.	11/4/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		10/07/2019-12:53	05/20/2021-12:53	
Pearce, Christopher H.	11/4/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		10/07/2019-12:53	05/20/2021-12:53	
Pearce, Christopher H.	11/4/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		10/07/2019-12:53	05/20/2021-12:53	
Pearce, Christopher H.	11/4/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		10/07/2019-12:53	05/20/2021-12:53	
Aiken, J. Boone III	11/4/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		10/07/2019-12:53	05/20/2021-12:53	
Aiken, J. Boone III	11/4/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		10/07/2019-12:53	05/20/2021-12:53	
Aiken, J. Boone III	11/4/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		10/07/2019-12:53	05/20/2021-12:53	
Jardine, Kerry Kathleen	11/4/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		10/07/2019-12:53	05/20/2021-12:53	
Jardine, Kerry Kathleen	11/4/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		10/07/2019-12:53	05/20/2021-12:53	
Jardine, Kerry Kathleen	11/4/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		10/07/2019-12:53	05/20/2021-12:53	
Jardine, Kerry	11/4/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		10/07/2019-12:53	05/20/2021-12:53	

Kathleen						
Moss, Kenneth Ray	11/4/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		10/07/2019-12:53	05/20/2021-12:53	
Moss, Kenneth Ray	11/4/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		10/07/2019-12:53	05/20/2021-12:53	
Johnson, Pope D. III	11/4/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		10/07/2019-12:53	05/20/2021-12:53	
Johnson, Pope D. III	11/4/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		10/07/2019-12:53	05/20/2021-12:53	
Johnson, Pope D. III	11/4/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		10/07/2019-12:53	05/20/2021-12:53	
Johnson, Pope D. III	11/4/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		10/07/2019-12:53	05/20/2021-12:53	
Worley, Harold G	NEF(08-27-2019 09:37:52 AM) Order/Electronic Form 4	Filing		08/27/2019-09:38	05/20/2021-09:38	
Worley, Harold G	Order/Electronic Form 4-Motion/Compel is continued	Order		08/27/2019-09:37	05/20/2021-09:37	
Worley, Harold G	NEF(08-23-2019 10:12:48 AM) Motion/Relieve As Counsel	Filing		08/23/2019-11:22	05/20/2021-11:22	
Worley, Harold G	Motion/Relieve As Counsel	Motion		08/23/2019-10:12	11/04/2019-10:12	
Tomberlin Pole Treatment Company LLC	NEF(08-20-2019 02:31:10 PM) Motion/Compel	Filing		08/20/2019-14:57	05/20/2021-14:57	
Tomberlin Pole Treatment Company LLC	Motion/Compel	Motion		08/20/2019-14:31	01/03/2020-14:31	 
Horry Electric Cooperative Inc	NEF(08-09-2019 06:42:16 AM) Motion/Compel	Filing		08/09/2019-10:32	05/20/2021-10:32	
Horry Electric Cooperative Inc	Motion/Compel	Motion		08/09/2019-06:42	01/03/2020-06:42	  
Johnson, Pope D. III	8/26/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		07/30/2019-08:44	05/20/2021-08:44	
Pearce, Christopher H.	8/26/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		07/30/2019-08:44	05/20/2021-08:44	
Jardine, Kerry Kathleen	8/26/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		07/30/2019-08:44	05/20/2021-08:44	
Aiken, J. Boone III	8/26/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		07/30/2019-08:44	05/20/2021-08:44	
Moss, Kenneth Ray	8/26/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		07/30/2019-08:44	05/20/2021-08:44	
Worley, Harold G	NEF(07-19-2019 09:52:18 AM) Order/Scheduling Order	Filing		07/19/2019-09:52	05/20/2021-09:52	
Worley, Harold G	Order/Scheduling Order	Order		07/19/2019-09:52	05/20/2021-09:52	
Worley, Harold G	NEF(07-09-2019 02:17:46 PM) Motion/Continuance	Filing		07/10/2019-09:32	05/20/2021-09:32	

Worley, Harold G	Motion/Continuance	Motion		07/09/2019-14:17	05/20/2021-14:17	
Aiken, J. Boone III	7/29/2019_JURY_Roster/Notice of Case Roster Publication Sent	Action		07/02/2019-09:57	05/20/2021-09:57	
Pearce, Christopher H.	7/29/2019_JURY_Roster/Notice of Case Roster Publication Sent	Action		07/02/2019-09:57	05/20/2021-09:57	
Johnson, Pope D. III	7/29/2019_JURY_Roster/Notice of Case Roster Publication Sent	Action		07/02/2019-09:57	05/20/2021-09:57	
Jardine, Kerry Kathleen	7/29/2019_JURY_Roster/Notice of Case Roster Publication Sent	Action		07/02/2019-09:57	05/20/2021-09:57	
Moss, Kenneth Ray	7/29/2019_JURY_Roster/Notice of Case Roster Publication Sent	Action		07/02/2019-09:57	05/20/2021-09:57	
Worley, Harold G	NEF(06-13-2019 04:36:10 PM) ADR/Proof of ADR	Filing		06/13/2019-16:36	05/20/2021-16:36	
Worley, Harold G	ADR/Proof of ADR	Action		06/13/2019-16:36	06/11/2019-16:36	
Tomberlin Pole Treatment Company LLC	NEF(06-10-2019 04:52:42 PM) Motion/Compel	Filing		06/11/2019-08:42	05/20/2021-08:42	
Tomberlin Pole Treatment Company LLC	Motion/Compel	Motion		06/10/2019-16:52	01/03/2020-16:52	
Worley, Harold G	NEF(06-07-2019 02:40:43 PM) Order/Summary Judgment	Filing		06/07/2019-14:40	05/20/2021-14:40	
Worley, Harold G	Order/Summary Judgment	Order		06/07/2019-14:40	05/20/2021-14:40	
Worley, Harold G	NEF(06-06-2019 04:39:51 PM) Order/Order Cover Sheet \$25....	Filing		06/07/2019-08:49	05/20/2021-08:49	
Worley, Harold G	Order/Order Cover Sheet \$25.00	Filing		06/06/2019-16:39	05/20/2021-16:39	
Worley, Harold G	ADR/Notice of ADR	Action		04/30/2019-09:50	06/13/2019-09:50	
Worley, Harold G	NEF(04-02-2019 12:11:54 PM) Order/Electronic Form 4	Filing		04/02/2019-12:12	05/20/2021-12:12	
Worley, Harold G	Order/Electronic Form 4/Defendant's Motion/Summary Judgment	Order		04/02/2019-12:11	05/20/2021-12:11	
Worley, Harold G	NEF(04-01-2019 04:26:09 PM) Memo/Memo in Opposition	Filing		04/02/2019-08:31	05/20/2021-08:31	
Worley, Harold G	Memo/Memo in Opposition	Filing		04/01/2019-16:26	05/20/2021-16:26	
Johnson, Pope D. III	4/1/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2019-11:39	05/20/2021-11:39	
Aiken, J. Boone III	4/1/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2019-11:39	05/20/2021-11:39	
Pearce, Christopher H.	4/1/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2019-11:39	05/20/2021-11:39	
Jardine, Kerry Kathleen	4/1/2019_MOTION_Roster/Notice of Motions Roster Publication	Action		03/06/2019-11:39	05/20/2021-11:39	
Moss,	4/1/2019_MOTION_Roster/Notice	Action		03/06/2019-	05/20/2021-	

Kenneth Ray	of Motions Roster Publication			11:39	11:39	
Horry Electric Cooperative Inc	NEF(02-25-2019 03:25:32 PM) Order/Protection from Court ...	Filing		02/25/2019-15:26	05/20/2021-15:26	
Horry Electric Cooperative Inc	Order/Protection from Court Appearance	Order		02/25/2019-15:25	05/20/2021-15:25	
Tomberlin Pole Treatment Company LLC	NEF(02-25-2019 11:23:30 AM) Stipulation/Stipulation of	Filing		02/25/2019-11:36	05/20/2021-11:36	
Tomberlin Pole Treatment Company LLC	Stipulation/Stipulation of Mediator and Mediation date	Filing		02/25/2019-11:23	05/20/2021-11:23	
Horry Electric Cooperative Inc	NEF(02-20-2019 08:56:50 AM) Proposed Order/Protection fr...	Filing		02/21/2019-08:17	05/20/2021-08:17	
Horry Electric Cooperative Inc	Order/Order Cover Sheet \$25.00	Filing		02/20/2019-08:56	05/20/2021-08:56	
Squirrel System Inc	NEF(02-18-2019 01:37:12 PM) Motion/Summary Judgment	Filing		02/18/2019-13:59	05/20/2021-13:59	
Squirrel System Inc	Motion/Summary Judgment	Motion		02/18/2019-13:37	04/02/2019-13:37	 
Moss, Kenneth Ray	2/26/2019_ADRSANC_NOTICE ADR SANCTION ROSTER PUBLICATION	Action		01/29/2019-14:45	05/20/2021-14:45	
Johnson, Pope D. III	2/26/2019_ADRSANC_NOTICE ADR SANCTION ROSTER PUBLICATION	Action		01/29/2019-14:45	05/20/2021-14:45	
Aiken, J. Boone III	2/26/2019_ADRSANC_NOTICE ADR SANCTION ROSTER PUBLICATION	Action		01/29/2019-14:45	05/20/2021-14:45	
Jardine, Kerry Kathleen	2/26/2019_ADRSANC_NOTICE ADR SANCTION ROSTER PUBLICATION	Action		01/29/2019-14:45	05/20/2021-14:45	
Pearce, Christopher H.	2/26/2019_ADRSANC_NOTICE ADR SANCTION ROSTER PUBLICATION	Action		01/29/2019-14:45	05/20/2021-14:45	
Jardine, Kerry Kathleen	2/25/2019_ADRSANC_NOTICE ADR SANCTION ROSTER PUBLICATION	Action		01/28/2019-09:03	05/20/2021-09:03	
Pearce, Christopher H.	2/25/2019_ADRSANC_NOTICE ADR SANCTION ROSTER PUBLICATION	Action		01/28/2019-09:03	05/20/2021-09:03	
Johnson, Pope D. III	2/25/2019_ADRSANC_NOTICE ADR SANCTION ROSTER PUBLICATION	Action		01/28/2019-09:03	05/20/2021-09:03	
Aiken, J. Boone III	2/25/2019_ADRSANC_NOTICE ADR SANCTION ROSTER PUBLICATION	Action		01/28/2019-09:03	05/20/2021-09:03	
Moss, Kenneth Ray	2/25/2019_ADRSANC_NOTICE ADR SANCTION ROSTER PUBLICATION	Action		01/28/2019-09:03	05/20/2021-09:03	
Worley, Harold G	NEF(11-15-2018 02:06:45 PM) Notice/Other	Filing		11/15/2018-14:13	05/20/2021-14:13	

Worley, Harold G	Notice/Amended Notice DESTRUCTIVE EXAMINATION	Filing		11/15/2018-14:06	05/20/2021-14:06	
Worley, Harold G	NEF(10-24-2018 08:53:46 AM) Order/Protection from Court ...	Filing		10/24/2018-08:53	05/20/2021-08:53	
Worley, Harold G	Order/Protection from Court Appearance	Order		10/24/2018-08:53	05/20/2021-08:53	
Worley, Harold G	NEF(10-19-2018 10:54:22 AM) Letter/Letter	Filing		10/22/2018-15:11	05/20/2021-15:11	
Worley, Harold G	Letter/Letter	Filing		10/19/2018-10:54	05/20/2021-10:54	
Worley, Harold G	Notice Of Destructive Examination/Letter	Filing		09/24/2018-13:20	05/20/2021-10:17	
Worley, Harold G	NEF(09-21-2018 01:05:38 PM) Motion/Protection Court Appe...	Filing		09/21/2018-13:28	05/20/2021-13:28	
Worley, Harold G	Motion/Protection Court Appearance	Motion		09/21/2018-13:05	09/27/2018-13:05	
Worley, Harold G	NEF(07-24-2018 11:52:58 AM) Order/Scheduling Order	Filing		07/24/2018-11:53	05/20/2021-11:53	
Worley, Harold G	Order/Scheduling Order	Order		07/24/2018-11:52	05/20/2021-11:52	
Worley, Harold G	NEF(07-20-2018 08:36:46 AM) Motion/Alter and/or Amend	Filing		07/20/2018-11:13	05/20/2021-11:13	
Worley, Harold G	Motion/Alter and/or Amend	Motion		07/20/2018-08:36	07/26/2018-08:36	
Johnson, Pope D. III	8/10/2018_ADRSANC_NOTICE ADR SANCTION ROSTER PUBLICATION	Action		07/10/2018-14:25	05/20/2021-14:25	
Moss, Kenneth Ray	8/10/2018_ADRSANC_NOTICE ADR SANCTION ROSTER PUBLICATION	Action		07/10/2018-14:25	05/20/2021-14:25	
Aiken, J. Boone III	8/10/2018_ADRSANC_NOTICE ADR SANCTION ROSTER PUBLICATION	Action		07/10/2018-14:25	05/20/2021-14:25	
Pearce, Christopher H.	8/10/2018_ADRSANC_NOTICE ADR SANCTION ROSTER PUBLICATION	Action		07/10/2018-14:25	05/20/2021-14:25	
Jardine, Kerry Kathleen	8/10/2018_ADRSANC_NOTICE ADR SANCTION ROSTER PUBLICATION	Action		07/10/2018-14:25	05/20/2021-14:25	
Worley, Harold G	NEF(05-31-2018 11:54:57 AM) Order/Form 4	Filing		05/31/2018-11:55	05/20/2021-11:55	
Worley, Harold G	Order/Form 4-Motion/Compel is RESOLVED	Order		05/31/2018-11:54	05/20/2021-11:54	
Johnson, Pope D. III	5/30/2018_MOTION_Roster/Notice of Motions Roster Publication	Action		05/02/2018-10:05	05/20/2021-10:05	
Jardine, Kerry Kathleen	5/30/2018_MOTION_Roster/Notice of Motions Roster Publication	Action		05/02/2018-10:05	05/20/2021-10:05	
Pearce, Christopher H.	5/30/2018_MOTION_Roster/Notice of Motions Roster Publication	Action		05/02/2018-10:05	05/20/2021-10:05	
Moss, Kenneth Ray	5/30/2018_MOTION_Roster/Notice of Motions Roster Publication	Action		05/02/2018-10:05	05/20/2021-10:05	
Miller, Keegan B.	5/30/2018_MOTION_Roster/Notice of Motions Roster Publication	Action		05/02/2018-10:05	05/20/2021-10:05	
Aiken, J. Boone III	5/30/2018_MOTION_Roster/Notice of Motions Roster Publication	Action		05/02/2018-10:05	05/20/2021-10:05	
Tomberlin Pole Treatment	NEF(04-17-2018 03:27:26 PM) Motion/Compel	Filing		04/18/2018-08:30	05/20/2021-08:30	

Company LLC						
Tomberlin Pole Treatment Company LLC	Motion/Compel	Motion		04/17/2018-15:27	05/30/2018-15:27	
Power Line Clearing Contractors Inc	NEF(02-19-2018 10:49:33 AM) Stipulation Of Dismissal	Filing		02/19/2018-11:51	05/20/2021-11:51	
Power Line Clearing Contractors Inc	Stipulation Of Dismissal Without Prejudice	Filing		02/19/2018-10:49	05/20/2021-10:49	
Worley, Harold G	Archived Document	Filing		02/12/2018-00:00	05/20/2021-00:00	
Moss, Kenneth Ray	Archived Document	Filing		02/12/2018-00:00	05/20/2021-00:00	
Johnson, Pope D. III	Archived Document	Filing		02/12/2018-00:00	05/20/2021-00:00	
Jardine, Kerry Kathleen	Archived Document	Filing		02/12/2018-00:00	05/20/2021-00:00	
Pearce, Christopher H.	Archived Document	Filing		02/12/2018-00:00	05/20/2021-00:00	
Aiken, J. Boone III	Archived Document	Filing		02/12/2018-00:00	05/20/2021-00:00	
Miller, Keegan B.	Archived Document	Filing		02/12/2018-00:00	05/20/2021-00:00	
Nickels, Christopher William	Archived Document	Filing		02/12/2018-00:00	05/20/2021-00:00	
Buffington, Robert Walton	Archived Document	Filing		02/12/2018-00:00	05/20/2021-00:00	
Horry Electric Cooperative Inc	NEF(12-11-2017 09:55:31 AM) Answer/Answer To Amended Com...	Filing		12/11/2017-10:10	05/20/2021-10:10	
Horry Electric Cooperative Inc	Answer/Defendants Answer To Amended Complaint	Filing		12/11/2017-09:55	05/20/2021-09:55	
Power Line Clearing Contractors Inc	NEF(12-05-2017 02:33:34 PM) Notice/Notice of Appearance	Filing		12/05/2017-14:49	05/20/2021-14:49	
Power Line Clearing Contractors Inc	Notice/Notice of Appearance	Filing		12/05/2017-14:33	05/20/2021-14:33	
Power Line Clearing Contractors Inc	Answer/Power Line Clearing Contractors, INC.'s	Filing		12/05/2017-14:33	05/20/2021-14:33	
Squirrel System Inc	NEF(11-08-2017 10:40:30 AM) Order/Signed Order/Protectio...	Filing		11/08/2017-11:11	05/20/2021-11:11	

Squirrel System Inc	Order/Signed Order/Protection from Court Appearance	Filing		11/08/2017-10:40	05/20/2021-10:40	
Squirrel System Inc	NEF(11-03-2017 10:09:38 AM) Answer/Answer	Filing		11/03/2017-10:11	05/20/2021-10:11	
Squirrel System Inc	Answer/Answer on Behalf of Squirrel System, INC.	Filing		11/03/2017-10:09	05/20/2021-10:09	
Squirrel System Inc	NEF(11-01-2017 03:00:46 PM) Notice/Notice of Appearance	Filing		11/01/2017-15:01	05/20/2021-15:01	
Squirrel System Inc	Notice/Notice of Appearance	Filing		11/01/2017-15:00	05/20/2021-15:00	
Tomberlin Pole Treatment Company LLC	NEF(10-20-2017 04:04:20 PM) Answer/Answer	Filing		10/20/2017-16:12	05/20/2021-16:12	
Tomberlin Pole Treatment Company LLC	NEF(10-20-2017 04:05:48 PM) Notice/Notice of Appearance	Filing		10/20/2017-16:06	05/20/2021-16:06	
Tomberlin Pole Treatment Company LLC	Notice/Notice of Appearance	Filing		10/20/2017-16:05	05/20/2021-16:05	
Tomberlin Pole Treatment Company LLC	Notice/Notice of Appearance	Filing		10/20/2017-16:04	05/20/2021-16:04	
Tomberlin Pole Treatment Company LLC	Answer/Answer of Tomberlin Pole Treatment Company, LLC	Filing		10/20/2017-16:04	05/20/2021-16:04	
Worley, Harold G	Withdrawal of Motion for Leave to Amend	Filing		09/22/2017-12:32	05/20/2021-12:32	
Worley, Harold G	Stipulation/Stipulation of Counsel	Filing		09/22/2017-10:43	05/20/2021-10:43	
Johnson, Pope D. III	9/25/2017_MOTION_Roster/Notice of Motions Roster Publication	Action		08/25/2017-08:41	05/20/2021-08:41	
Moss, Kenneth Ray	9/25/2017_MOTION_Roster/Notice of Motions Roster Publication	Action		08/25/2017-08:41	05/20/2021-08:41	
Worley, Harold G	Amended/Amended Summons And Complaint	Filing		08/18/2017-15:37	05/20/2021-15:37	
Worley, Harold G	Motion/Leave to Amend	Motion		08/08/2017-12:02	09/22/2017-12:02	
Worley, Harold G	ADR/Alternative Dispute Resolution (Workflow)	Action		07/04/2017-08:24	05/13/2018-08:24	
Worley, Harold G	Order/Signed Order/Protection from Court Appearance	Filing		06/23/2017-14:23	05/20/2021-14:23	
Worley, Harold G	Order/Signed Order/Protection from Court Appearance	Filing		04/06/2017-15:08	05/20/2021-15:08	
Horry Electric Cooperative Inc	Acceptance Of Service	Filing		03/13/2017-08:34	05/20/2021-13:37	
Horry Electric	Answer And Service	Filing		03/13/2017-08:34	05/20/2021-13:35	

Cooperative Inc					
	Verification/Verified	Filing		12/06/2016-16:22	05/20/2021-16:22
Worley, Harold G	Summons & Complaint/Verification of Complaint	Filing		12/06/2016-08:22	05/20/2021-08:22 

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STATE OF SOUTH CAROLINA

COUNTY OF HORRY

IN THE COURT OF COMMON PLEAS

Harold G. Worley, Thomas Wade Long, and
Harold Gene Worley, as Successor Trustee of
Trust B of the Sandra Gall Worley Revocable
Trust Under Trust Agreement Dated July 31,
2010,

Plaintiffs,

v.

Horry Electric Cooperative, Inc.,

Defendant.

Case No.: 2016-CP-26-07787

**CONSENT MOTION FOR
WITHDRAWAL AND SUBSTITUTION
OF COUNSEL**

Horry Electric Cooperative, Inc. ("Defendant") respectfully requests the withdrawal of Pope D. Johnson, Esquire, as he is retiring from the practice of law. Defendant further requests that Bradish J. Waring, Esquire, and Kenyatta L. Gardner, Esquire, of Butler Snow, LLP, be substituted as counsel of record in his place.

WITH CONSENT:

s/Pope D. Johnson

Pope D. Johnson (SC Bar No. 3048)

Attorney at Law

1230 Richland St.

Columbia, SC 29201

Telephone: (803) 799-9791

Email: pope@popejohnsonlaw.com*Counsel for Defendant (withdrawing)*

January 19, 2021

Columbia, SC

WE SO MOVE AND CONSENT:

s/Bradish J. Waring

Bradish J. Waring (SC Bar No. 5828)

Kenyatta L. Gardner (SC Bar No. 100087)

BUTLER SNOW, LLP

25 Calhoun Street, Suite 250

Charleston, SC 29401

Telephone: (843) 277-3700

Email: brad.waring@butlersnow.comkenny.gardner@butlersnow.com*Counsel for Defendant*

January 19, 2021

Charleston, SC

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***** IMPORTANT NOTICE - READ THIS INFORMATION *****
NOTICE OF ELECTRONIC FILING [NEF]

A filing has been submitted to the court RE: 2016CP2607787

Official File Stamp: 01-19-2021 02:00:31 PM

Court: CIRCUIT COURT

Common Pleas

Horry

Case Caption: Harold G Worley , plaintiff, et al VS Horry Electric Cooperative Inc , defendant, et al

Event(s):

Notice/Notice of Appearance

Document(s) Submitted: Motion/Substitute Counsel by Consent

Proposed Order/Substitution Of Counsel

Filed by or on behalf of: Bradish J. Waring

This notice was automatically generated by the Court's auto-notification system.

The following people were served electronically:

Kerry Kathleen Jardine

Kevin Mitchell Barth for Harold G Worley, Thomas Wade Long

Pope D. Johnson, III for Horry Electric Cooperative Inc

J. Boone Aiken, III

Christopher H. Pearce

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

Sandra Gall Worley Revocable Trust

Harold Gene Worley

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***** IMPORTANT NOTICE - READ THIS INFORMATION *****

NOTICE OF ELECTRONIC FILING [NEF]

-

A filing has been submitted to the court RE: 2016CP2607787

Official File Stamp: 01-19-2021 02:00:31 PM

Court: CIRCUIT COURT

Common Pleas

Horry

Case Caption: Harold G Worley , plaintiff, et al VS Horry Electric Cooperative Inc , defendant, et al

Event(s):

Notice/Notice of Appearance

Document(s) Submitted: Motion/Substitute Counsel by Consent

Proposed Order/Substitution Of Counsel

Filed by or on behalf of: Bradish J. Waring

This notice was automatically generated by the Court's auto-notification system.

-

The following people were served electronically:

Kerry Kathleen Jardine

Kevin Mitchell Barth for Harold G Worley, Thomas Wade Long

Pope D. Johnson, III for Horry Electric Cooperative Inc

J. Boone Aiken, III

Christopher H. Pearce

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Sandra Gall Worley Revocable Trust

Harold Gene Worley

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
NOTICE OF ELECTRONIC FILING [NEF]

-

A filing has been submitted to the court RE: 2016CP2607787

Official File Stamp: 01-19-2021 02:05:48 PM

Court: CIRCUIT COURT

Common Pleas

Horry

Case Caption: Harold G Worley , plaintiff, et al VS Horry Electric Cooperative Inc , defendant, et al

Event(s):

Notice/Notice of Appearance

Filed by or on behalf of:

Kenyatta L. Gardner

This notice was automatically generated by the Court's auto-notification system.

-

The following people were served electronically:

Kerry Kathleen Jardine

Kevin Mitchell Barth for Harold G Worley, Thomas Wade Long

Pope D. Johnson, III for Horry Electric Cooperative Inc

J. Boone Aiken, III

Christopher H. Pearce

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

Sandra Gall Worley Revocable Trust

Harold Gene Worley

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STATE OF SOUTH CAROLINA
COUNTY OF HORRY

IN THE COURT OF COMMON PLEAS

Harold G. Worley, Thomas Wade Long, and
Harold Gene Worley, as Successor Trustee of
Trust B of the Sandra Gall Worley Revocable
Trust Under Trust Agreement Dated July 31,
2010,

Case No.: 2016-CP-26-07787

**ORDER FOR WITHDRAWAL AND
SUBSTITUTION OF COUNSEL**

Plaintiffs,

v.

Horry Electric Cooperative, Inc.,

Defendant.

This matter comes before the Court upon motion of the Defendant Horry Electric Cooperative, Inc. ("Defendant") for the withdrawal and substitution of counsel. Defendant's motion is further supported by the Consent to Substitution signed by the Defendant and attached hereto as Exhibit A.

Upon consideration by the undersigned, and with good cause shown, it is hereby ordered that the consent motion for the withdrawal of Pope D. Johnson, Esquire, and the substitution of Bradish J. Waring, Esquire, and Kenyatta L. Gardner, Esquire, as counsel for Defendant is hereby granted.

AND IT IS SO ORDERED.

The Hon. Benjamin H. Culbertson
South Carolina Circuit Judge

January __, 2021
Charleston SC

WITH CONSENT:

s/Pope D. Johnson

Pope D. Johnson (SC Bar No. 3048)
Attorney at Law
1230 Richland St.
Columbia, SC 29201
Telephone: (803) 799-9791
Email: pope@popejohnsonlaw.com

Counsel for Defendant (withdrawing)

January 22, 2021
Columbia, SC

WE SO MOVE AND CONSENT:

s/Bradish J. Waring

Bradish J. Waring (SC Bar No. 5828)
Kenyatta L. Gardner (SC Bar No. 100087)
BUTLER SNOW, LLP
25 Calhoun Street, Suite 250
Charleston, SC 29401
Telephone: (843) 277-3700
Email: brad.waring@butlersnow.com
kenny.gardner@butlersnow.com

Counsel for Defendant

January 22, 2021
Charleston, SC



Horry Common Pleas

Case Caption: Harold G Worley , plaintiff, et al VS Horry Electric Cooperative Inc ,
defendant, et al
Case Number: 2016CP2607787
Type: Order/Substitution Of Counsel

Resident Circuit Court Judge, 15th Judicial Circuit

s/Benjamin H. Culbertson, Judge Code 2148

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Stephen Groves

From: efiledonotreply@sccourts.org
Sent: Wednesday, January 27, 2021 9:13 AM
To: Kenny Gardner
Cc: Becky Maxson
Subject: Courtesy NEF RE: 2016CP2607787

***** IMPORTANT NOTICE - READ THIS INFORMATION *****

NOTICE OF ELECTRONIC FILING [NEF]

A filing has been submitted to the court RE: 2016CP2607787

Official File Stamp: 01-27-2021 09:13:04 AM
Court: CIRCUIT COURT
Common Pleas
Horry
Case Caption: Harold G Worley , plaintiff, et al VS Horry Electric Cooperative Inc , defendant, et al
Document(s) Submitted: Order/Substitution Of Counsel Order/Substitution Of Counsel
- Exhibit/Filing of Exhibits Exhibit/Filing of Exhibits
Filed by or on behalf of: Benjamin H. Culbertson

This notice was automatically generated by the Court's auto-notification system.

The following people were served electronically:

Kenyatta L. Gardner for Horry Electric Cooperative Inc
Bradish J. Waring for Horry Electric Cooperative Inc
Kerry Kathleen Jardine
Kevin Mitchell Barth for Harold G Worley, Thomas Wade Long
J. Boone Aiken, III
Christopher H. Pearce

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

Kenyatta L. Gardner for Horry Electric Cooperative Inc
Sandra Gall Worley Revocable Trust
Harold Gene Worley

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FORM 4

STATE OF SOUTH CAROLINA  
COUNTY OF Horry  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2016CP2607787

Harold G Worley et al  
PLAINTIFF(S)

Horry Electric Cooperative Inc  
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED** (*CHECK REASON*): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled);  
☐ Other
- ☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j), SCRCP; ☐ Bankruptcy;  
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  
☐ Other
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (*CHECK APPLICABLE BOX*):  
☐ Affirmed; ☐ Reversed; ☐ Remanded;  
☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:** ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court:

Direct Verdict Granted. Atty. Waring to prepare Formal Order.

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.

☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 05/19/2021 .

Sandra Gall Worley Revocable Trust  
Harold Gene Worley

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

**Court Reporter:**

**E-Filing Note:** The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

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Horry Common Pleas

**Case Caption:** Harold G Worley , plaintiff, et al VS Horry Electric Cooperative Inc ,  
defendant, et al  
**Case Number:** 2016CP2607787  
**Type:** Order/Electronic Form 4

So Ordered

s/Paul M. Burch, Judge #2048

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## Stephen Groves

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**From:** efiledonotreply@sccourts.org  
**Sent:** Monday, May 17, 2021 12:55 PM  
**To:** Kenny Gardner  
**Cc:** Becky Maxson  
**Subject:** Courtesy NEF RE: 2016CP2607787

\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\*  
**NOTICE OF ELECTRONIC FILING [NEF]**

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A filing has been submitted to the court RE: 2016CP2607787

**Official File Stamp:** 05-17-2021 12:53:07 AM  
**Court:** CIRCUIT COURT  
Common Pleas  
Horry  
**Case Caption:** Harold G Worley , plaintiff, et al VS Horry Electric Cooperative Inc , defendant, et al  
**Document(s) Submitted:** Order/Judgment and Form 4 Order/Judgment and Form 4  
**Filed by or on behalf of:** Gayle Brunson

This notice was automatically generated by the Court's auto-notification system.

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**The following people were served electronically:**

Kenyatta L. Gardner for Horry Electric Cooperative Inc  
Bradish J. Waring for Horry Electric Cooperative Inc  
Kevin Mitchell Barth for Harold G Worley, Thomas Wade Long  
J. Boone Aiken, III

**The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:**

Kenyatta L. Gardner for Horry Electric Cooperative Inc  
Sandra Gall Worley Revocable Trust  
Harold Gene Worley

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STATE OF SOUTH CAROLINA

COUNTY OF HORRY

Harold G. Worley and Thomas Wade Long
and Harold G. Worley as successor trustee of
Trust B of the Sandra Gall Worley
Irrevocable Trust under Trust Agreement
dated July 31, 2010,

Plaintiffs,

vs.

Horry Electric Cooperative, Inc.,

Defendant.

IN THE COURT OF COMMON PLEAS

CIVIL CASE NO. 2016-CP-26-7787

**ORDER GRANTING DEFENDANT'S
MOTION FOR A DIRECTED
VERDICT**

This matter is before the Court upon the Motion for a Directed Verdict made by the Defendant, Horry Electric Cooperative, Inc. ("HEC"), following the close of the case-in-chief of the Plaintiffs, Harold G. Worley, Thomas Wade Long, and Harold G. Worley as Successor Trustee of Trust B of the Sandra Gall Worley Irrevocable Trust Under Trust Agreement dated July 31, 2010 (collectively the "Worleys"). This matter began on Tuesday May 18, 2021 and concluded when, from the Bench, this Circuit Court granted HEC's directed verdict motion that same day. For the reasons set forth herein, it is this Circuit Court's judgment that HEC's Motion for Directed Verdict be and hereby is granted.

FACTS

This matter arose from a fire that occurred late on December 31, 2014, destroying the workshop of the Plaintiff, Harold B. Worley ("Harold Worley").¹ The Worleys further alleged

¹ The workshop is owned by the Plaintiff, Harold G. Worley as successor trustee of Trust B of the Sandra Gall Worley Irrevocable Trust under Trust Agreement dated July 31, 2010. The Plaintiff, Thomas Wade Long ("Mr. Long"), claims that he stored personal property at the workshop which was allegedly destroyed in the fire.

that various items of personal property were also destroyed in the fire. The Horry County Fire Rescue ("HCFR") arrived to suppress the fire. Detective William J. Martin of the HCFR's Investigations Unit arrived shortly thereafter to secure the scene and returned at daylight the next morning to inspect the workshop. In his final report, as acknowledged on direct examination by Plaintiff Worley and another witness, Det. Martin stated he was unable to determine the exact cause of the fire.

The Worleys allege the fire was proximately caused by an unmaintained HEC service drop. During the Worleys' case-in-chief, their counsel notified this Circuit Court that the Worleys intended to offer Herman Fox ("Mr. Fox"), a retired master electrician and fire marshal, and David Jacobs ("Mr. Jacobs"), a retired fire marshal, as experts in fire cause and origin. Mr. Fox's electrical experience consisted of his grandfather having taught him to be an electrician when Mr. Fox was a teenager. After serving the requisite apprenticeship years under an electrician, Mr. Fox became a master electrician. Mr. Fox also testified that, in his role with Horry County government, he participated in hundreds of building inspections to determine whether the building was code compliant, including fire safety and electrical code compliance. Mr. Fox also participated in many post-fire inspections to determine whether the building at issue was sufficiently structurally safe to allow re-entry.

Mr. Fox testified that Harold Worley, a member of Horry County Council, requested that he and Mr. Jacobs, both Horry County employees, come to the site of the fire to look around to see if anything was unusual. During that visit, Mr. Fox testified he walked the HEC service powerline ("Powerline") going into the Harold Worley's Workshop and viewed the panel box. As he walked the Powerline, Mr. Fox observed the protective coating on one section of the Powerline appeared to have rubbed off against an adjacent tree, thereby exposing the wiring. He also testified

that he saw burn marks on the nearby tree. In conclusion, Mr. Fox opined that he believed, to a reasonable degree of certainty, that the damaged and exposed Powerline wire contributed to the fire.²

On HEC's cross examination, Mr. Fox testified none of his prior building inspections involved a determination of a fire's cause and origin and, furthermore, none of his prior job responsibilities and/or duties included fire "cause and origin" investigations. Mr. Fox also conceded his code compliance inspection experience was limited solely to the building envelope and did not involve anything outside of the building past the electrical meter. Mr. Fox could not recall when, post fire, he went to the look at the workshop site for Harold Worley. Mr. Fox stated he visited the workshop site only once and was there for about an hour. He stated he did not consider his activities at the workshop site any type of an "investigation." Mr. Fox did not perform any forensic testing of either the Powerline or the workshop site. He did not know if the workshop site had been disturbed prior to the time he was there. Mr. Fox admitted he did not use any manner of scientific methodology in reaching his opinion regarding the cause of the workshop fire nor did he make any effort to exclude any other possible causes.³ Mr. Fox further stated he did not know the source of fuel for the fire or what machinery, lighting, *etc.* in the workshop was receiving electrical power prior to the fire. Mr. Fox also did not speak with Det. Williams regarding his fire investigation or seek to determine why Det. Williams' found the fire's cause and origin to be undetermined. Mr. Fox conceded he did not disagree with Det. Williams' conclusions. Mr. Fox

2 Mr. Fox's testimony regarding the workshop fire's cause and origin was presented outside the jury's presence after HEC objected to him being allowed to testify as a fire "cause and origin" expert.

3 For example, Mr. Fox testified he (a) was unfamiliar with The National Fire Protection Association's 921 Manual "Guide for Fire and Explosion Investigations"; (b) had never used that publication in a fire "cause and origin" investigation, and (c) did not use the book in this case.

acknowledged that even though it was his opinion the damaged Powerline wire contributed to the workshop fire, he did not know the actual cause of the fire.

Additionally, Mr. Fox testified he had (1) no training, education, nor experience in fire “cause and origin” investigation; (2) never performed, conducted, nor participated in a fire “cause and origin” investigation; (3) never performed nor participated in a fire “cause and origin” investigation factually similar to the workshop fire; and (4) had never been offered nor testified as a fire “cause and origin” expert. Mr. Fox admitted he did not consider himself to be a fire “cause and origin” expert. Other than admitting in direct testimony that Det. Williams had found the fire cause and origin to be undetermined, Mr. Fox’s testimony was the only expert opinion the Plaintiffs introduced during the trial in order to establish the causation element of the Worleys’ negligence claim against HEC.⁴

STANDARD OF REVIEW

“The motion for directed verdict may be made at the close of plaintiff’s evidence, as well as at the close of all the evidence.”⁵ “In ruling on a motion for a directed verdict, the trial court must view the evidence and the inferences which reasonably can be drawn therefrom in the light most favorable to the party opposing the motion.”⁶ “In deciding whether to grant or deny a directed verdict motion, the trial court is concerned only with the existence or nonexistence of

4 After this Circuit Court sustained HEC’s objection to permitting Mr. Fox to testify as a fire “cause and origin” expert, the Plaintiffs’ counsel indicated Mr. Jacobs had similar issues as Mr. Fox regarding his knowledge and experience vis-à-vis fire “cause and origin” and, in turn, did not call Mr. Jacobs to testify.

5 Estate of Haley v. Brown, 370 S.C. 240, 251, 634 2d 62, 67-68 (Ct. App. 2006) (quoting Note 2 to Rule 50, SCRCivP) (Anderson, J., *dissenting in separate opinion*), *rehearing denied* (Aug. 25, 2006), *certiorari denied* (Oct. 18, 2007).

6 Erickson v. Jones St. Publishers, LLC, 368 S.C. 444, 629 S.E.2d 653 (2006); Proctor v. Department of Health Envtl. Control, 368 S.C. 279, 628 S.E.2d 496 (Ct.App.2006); The Huffines Co., LLC v. Lockhart, 365 S.C. 178, 617 S.E.2d 125 (Ct.App.2005).

evidence.”⁷ “The court is not concerned with the weight of the evidence, but whether there is any evidence from which the jury is warranted in making a finding.”⁸ “When the evidence yields only one inference, a directed verdict in favor of the moving party is proper.”⁹ “ ‘A directed verdict should be granted where the evidence raises no issue for the jury as to the defendant’s liability.’ ”¹⁰

LAW AND ANALYSIS

South Carolina law requires expert evidence where, as here, “a factual issue must be resolved with scientific, technical, or any other specialized knowledge.”¹¹ The trial court acts as a gatekeeper and is required to “assess the threshold foundational requirements of qualifications and reliability [of Mr. Jacobs’ and Mr. Fox’s proffered testimony] and further find that the proposed evidence will assist the trier of fact.”¹²

In evaluating the admissibility of expert opinion testimony, this Circuit Court made three key preliminary findings, all of which are fundamental to the implementation of Rule 702, SCRE., namely:

- (1) whether fire cause and origin is beyond the ordinary knowledge of the jury;

⁷ Long v. Norris Assocs., Ltd., 342 S.C. 561, 568, 538 S.E.2d 5, 9 (Ct.App. 2000) (citing Jones v. General Elec. Co., 331 S.C. 351, 503 S.E.2d 173 (Ct.App.1998)).

⁸ Washington v. Whitaker, 317 S.C. 108, 113-114, 451 S.E.2d 894897-898 (1994) (citing Waites v. S.C. Windstorm & Hail Under. Assoc., 279 S.C. 362, 307 S.E.2d 223 (1983))

⁹ Sims v. Giles, 343 S.C. 708, 715 541 S.E.2d 857, 860 (Ct.App.2001) (citing Swinton Creek Nursery v. Edisto Farm Credit, 334 S.C. 469, 514 S.E.2d 126 (1999)).

¹⁰ Fletcher v. Medical Univ. of South Carolina, 390 S.C. 458, 462, 702 S.E.2d 372, 374 (Ct. App. 2010) (quoting Guffey v. Columbia/Colleton Reg'l Hosp., Inc., 364 S.C. 158, 163, 612 S.E.2d 695, 697 (2005)).

¹¹ Watson v. Ford Motor Co., 389 S.C. 434, 445, 699 S.E.2d 169, 175 (2010).

¹² State v. White, 382 S.C. 265, 274, 676 S.E.2d 684, 689 (2009). See also Rule 702, SCREvid.

- (2) whether the witness(es) possess(es) the requisite knowledge and skill to qualify as an expert in fire cause and origin; and
- (3) whether the offered testimony is reliable.

Expert testimony which does not meet these three requirements must be excluded and cannot be submitted to the jury. This Circuit Court addresses each in turn.

First, this Circuit Court finds that fire “cause and origin” is beyond the ordinary knowledge of the jury.¹³ South Carolina courts agree that fire cause and origin is generally beyond the common knowledge of a jury.¹⁴ Consequently, in order to prove the negligence element of causation, the Worleys were required to provide expert testimony in fire “cause and origin” establishing, by a preponderance of the evidence, that HEC’s alleged failure to properly maintain the Powerline caused the workshop fire. The Worleys failed to do so in this matter and, therefore, HEC is entitled to directed verdict.

Second, this Circuit Court considered whether Mr. Fox possessed the requisite knowledge and skill to qualify as an expert in fire “cause and origin” such that he would be able to aid the jury in its fact-finding duties. This Circuit Court finds that Mr. Fox does not possess the requisite knowledge and skill to qualify as fire “cause and origin” experts.¹⁵ Although Mr. Fox is a master electrician and has extensive experience in building code inspections, none of Mr. Fox’s

13 See generally State v. Jones, 423 S.C. 631, 634-635, 817 S.E.2d 268, 270 (2018).

14 See Graves v. CAS Med. Sys., Inc., 401 S.C. 63, 81, 735 S.E.2d 650, 659 (2012) (citing Mack Trucks, Inc. v. Tamez, 206 S.W.3d 572, 583 (Tex. 2006)). Fowler v. Nationwide Mut. Fire Ins. Co., 410 S.C. 403, 410, 764 S.E.2d 249, 252 (Ct. App. 2014) (stating that testimony regarding fire’s cause and origin “‘require[s] special knowledge, skill, experience or training’ to properly be made”); Wright v. Heister Const. Co., Inc., 389 S.C. 504, 523, 698 S.E.2d 822, 832 (Ct. App. 2010).

15 See generally Risher v. S.C. Dept. of Health & Envtl. Control, 393 S.C. 198, 205, 712 S.E.2d 428, 432 (2011) (quoting Gooding v. St. Francis Xavier Hosp., 326 S.C. 248, 252-253, 487 S.E.2d 596, 598 (1997)).

experience involves fire “cause and origin” investigations and/or determinations. Mr. Fox was questioned on and specifically testified:

- (a) he had no training, education, nor experience in fire “cause and origin” investigation;
- (b) he had never performed, conducted, nor participated in a fire “cause and origin” investigation;
- (c) he never performed nor participated in a fire “cause and origin” investigation factually similar to the workshop fire;
- (d) none of his prior job responsibilities or duties included fire “cause and origin” investigations; and
- (e) he had previously never been offered nor testified as a fire “cause and origin” expert.

Importantly, Mr. Fox admitted that he was not a fire “cause and origin” expert. Mr. Fox, as the Worleys’ only testifying expert, clearly failed to meet the second consideration/requirement regarding the requisite knowledge and skill in the particular subject matter of fire “cause and origin” necessary to have been properly qualified as a fire “cause and origin” expert.

Finally, this Circuit Court evaluated the substance of Mr. Fox’s testimony in order to determine whether it was reliable. This Circuit Court concluded that Mr. Fox’s testimony was not reliable.¹⁶ Mr. Fox testified he did not consider the activities he performed for the Worleys to be an investigation. He was simply requested to visit the workshop fire site solely to determine if something looked unusual. Mr. Fox did not perform any forensic testing nor use any type of recognized and/or standard scientific method related to fire “cause and origin” in order to reach his proffered expert opinion regarding the cause of the workshop fire. In fact, he only visited the

¹⁶ See Lord v. D & J Enterprises, Inc., 2018 WL 1410732, *1 (S.C.App., filed Mar. 21, 2018) (citing Graves v. CAS Med. Sys., Inc., 401 S.C. 63, 75, 735 S.E.2d 650, 656 (2012) (“[T]his evidence must be evaluated on an ad hoc basis.”)(Alteration in original)).

workshop fire site on one occasion for about an hour. Moreover, Mr. Fox admitted that even though he believed the allegedly damaged Powerline wire contributed to the workshop fire, he could not testify that the damaged wire was the cause of the fire. Mr. Fox did not do anything to either rule out or exclude any of the other myriad potential causes of the workshop fire. These facts in addition to Mr. Fox's aforementioned lack of experience, knowledge, or skill in fire "cause and origin", renders Mr. Fox's testimony unreliable, and therefore, his opinion cannot properly be submitted to the jury.

CONCLUSION

Based on the foregoing, the Motion for a Directed Verdict made by the Defendant, Horry Electric Cooperative, Inc., is hereby **GRANTED** and this matter is dismissed with prejudice.

The Honorable Paul M. Burch

May __, 2021



Horry Common Pleas

Case Caption: Harold G Worley , plaintiff, et al VS Horry Electric Cooperative Inc ,
defendant, et al
Case Number: 2016CP2607787
Type: Order/Other

So Ordered

s/Paul M. Burch, Judge #2048

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Stephen Groves

From: efiledonotreply@sccourts.org
Sent: Thursday, May 27, 2021 11:52 AM
To: Brad Waring
Cc: Becky Maxson
Subject: Courtesy NEF RE: 2016CP2607787

******* IMPORTANT NOTICE - READ THIS INFORMATION *******
NOTICE OF ELECTRONIC FILING [NEF]

A filing has been submitted to the court RE: 2016CP2607787

Official File Stamp: 05-27-2021 11:51:39 AM
Court: CIRCUIT COURT
Common Pleas
Horry
Case Caption: Harold G Worley , plaintiff, et al VS Horry Electric Cooperative Inc , defendant, et al
Document(s) Submitted: Order Granting Motion For A Directed Verdict Order/Other
Filed by or on behalf of: Paul M. Burch

This notice was automatically generated by the Court's auto-notification system.

The following people were served electronically:

Kenyatta L. Gardner for Horry Electric Cooperative Inc
Bradish J. Waring for Horry Electric Cooperative Inc
Kevin Mitchell Barth for Harold G Worley, Thomas Wade Long
J. Boone Aiken, III

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

Kenyatta L. Gardner for Horry Electric Cooperative Inc
Sandra Gall Worley Revocable Trust
Harold Gene Worley

~~~ CONFIDENTIALITY NOTICE ~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

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STATE OF SOUTH CAROLINA  
In the Court of Appeals

RECEIVED

Jun 21 2021

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

SC Court of Appeals

The Honorable Paul M. Burch, Circuit Court Judge

Case No. 2016-CP-26-07787

Harold G. Worley and Thomas Wade Long and  
Harold G. Worley as successor trustee of Trust B  
of the Sandra Gall Worley Irrevocable Trust under  
Trust Agreement dated July 31, 2010 ..... Appellants

v.

Horry Electric Cooperative ..... Respondents

NOTICE OF APPEAL

John M. Leiter  
Law Offices of John M. Leiter, PA  
405 79<sup>th</sup> Ave., North, Suite B  
Myrtle Beach, SC 29572  
(843) 449-1451; jleiter@48th.com  
Attorney for Appellants

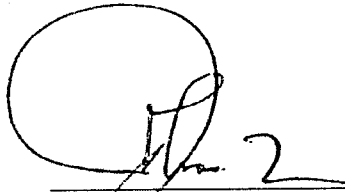
June 21, 2021

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**NOTICE OF APPEAL**

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Appellants, Harold G. Worley, Thomas Wade Long and Harold G. Worley as successor trustee of Trust B of the Sandra Gall Worley Irrevocable Trust under Trust Agreement dated July 31, 2010, appeal the Order of the Honorable Paul M. Burch Granting a Motion for a Directed Verdict made in favor of the Defendant, Horry Electric Cooperative, Inc., which was electronically signed and served on May 27, 2021, and is attached to this Notice as Exhibit A.

A handwritten signature in black ink, appearing to read "John M. Leiter", is written over a horizontal line. The signature is stylized with a large, circular loop at the beginning.

John M. Leiter  
Law Offices of John M. Leiter, PA  
405 79<sup>th</sup> Ave., North, Suite B  
Myrtle Beach, SC 29572  
(843) 449-1451; jleiter@48th.com  
Attorney for Appellant

June 21, 2021

STATE OF SOUTH CAROLINA  
In the Court of Appeals

RECEIVED

Jun 21 2021

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

SC Court of Appeals

The Honorable Paul M. Burch, Circuit Court Judge

Case No. 2016-CP-26-07787

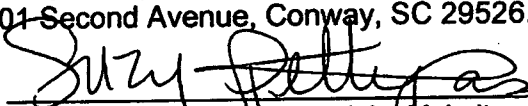
Harold G. Worley and Thomas Wade Long and  
Harold G. Worley as successor trustee of Trust B  
of the Sandra Gall Worley Irrevocable Trust under  
Trust Agreement dated July 31, 2010 ..... Appellants

v.

Horry Electric Cooperative ..... Respondents

PROOF OF SERVICE

I certify that I have served the **Notice of Appeal** on Horry Electric Cooperative by depositing a copy of it in the United States Mail, postage prepaid, on June 21, 2021, addressed to its attorney of record, Pope D. Johnson, III, Esq., 1230 Richland Street, Columbia, SC 29201 and a copy was timely electronically filed and served on the Clerk of Court for Horry County, South Carolina as depositing a copy of it in the United States Mail, postage prepaid, on June 21, 2021, to 1301 Second Avenue, Conway, SC 29526.

  
Suzy Pettipas, Paralegal to John M. Leiter, Esq.  
Law Offices of John M. Leiter, PA  
405 79<sup>th</sup> Ave., North, Suite B  
Myrtle Beach, SC 29572  
(843) 449-1451  
Attorney for Appellant

June 21, 2021

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

Harold G. Worley and Thomas Wade Long  
and Harold G. Worley as successor trustee of  
Trust B of the Sandra Gall Worley  
Irrevocable Trust under Trust Agreement  
dated July 31, 2010,

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vs.

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IN THE COURT OF COMMON PLEAS

CIVIL CASE NO. 2016-CP-26-7787

**ORDER GRANTING DEFENDANT'S  
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Jun 21 2021

SC Court of Appeals

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**FACTS**

This matter arose from a fire that occurred late on December 31, 2014, destroying the workshop of the Plaintiff, Harold B. Worley ("Harold Worley").<sup>1</sup> The Worleys further alleged

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<sup>1</sup> The workshop is owned by the Plaintiff, Harold G. Worley as successor trustee of Trust B of the Sandra Gall Worley Irrevocable Trust under Trust Agreement dated July 31, 2010. The Plaintiff, Thomas Wade Long ("Mr. Long"), claims that he stored personal property at the workshop which was allegedly destroyed in the fire.

that various items of personal property were also destroyed in the fire. The Horry County Fire Rescue ("HCFR") arrived to suppress the fire. Detective William J. Martin of the HCFR's Investigations Unit arrived shortly thereafter to secure the scene and returned at daylight the next morning to inspect the workshop. In his final report, as acknowledged on direct examination by Plaintiff Worley and another witness, Det. Martin stated he was unable to determine the exact cause of the fire.

The Worleys allege the fire was proximately caused by an unmaintained HEC service drop. During the Worleys' case-in-chief, their counsel notified this Circuit Court that the Worleys intended to offer Herman Fox ("Mr. Fox"), a retired master electrician and fire marshal, and David Jacobs ("Mr. Jacobs"), a retired fire marshal, as experts in fire cause and origin. Mr. Fox's electrical experience consisted of his grandfather having taught him to be an electrician when Mr. Fox was a teenager. After serving the requisite apprenticeship years under an electrician, Mr. Fox became a master electrician. Mr. Fox also testified that, in his role with Horry County government, he participated in hundreds of building inspections to determine whether the building was code compliant, including fire safety and electrical code compliance. Mr. Fox also participated in many post-fire inspections to determine whether the building at issue was sufficiently structurally safe to allow re-entry.

Mr. Fox testified that Harold Worley, a member of Horry County Council, requested that he and Mr. Jacobs, both Horry County employees, come to the site of the fire to look around to see if anything was unusual. During that visit, Mr. Fox testified he walked the HEC service powerline ("Powerline") going into the Harold Worley's Workshop and viewed the panel box. As he walked the Powerline, Mr. Fox observed the protective coating on one section of the Powerline appeared to have rubbed off against an adjacent tree, thereby exposing the wiring. He also testified

that he saw burn marks on the nearby tree. In conclusion, Mr. Fox opined that he believed, to a reasonable degree of certainty, that the damaged and exposed Powerline wire contributed to the fire.<sup>2</sup>

On HEC's cross examination, Mr. Fox testified none of his prior building inspections involved a determination of a fire's cause and origin and, furthermore, none of his prior job responsibilities and/or duties included fire "cause and origin" investigations. Mr. Fox also conceded his code compliance inspection experience was limited solely to the building envelope and did not involve anything outside of the building past the electrical meter. Mr. Fox could not recall when, post fire, he went to the look at the workshop site for Harold Worley. Mr. Fox stated he visited the workshop site only once and was there for about an hour. He stated he did not consider his activities at the workshop site any type of an "investigation." Mr. Fox did not perform any forensic testing of either the Powerline or the workshop site. He did not know if the workshop site had been disturbed prior to the time he was there. Mr. Fox admitted he did not use any manner of scientific methodology in reaching his opinion regarding the cause of the workshop fire nor did he make any effort to exclude any other possible causes.<sup>3</sup> Mr. Fox further stated he did not know the source of fuel for the fire or what machinery, lighting, *etc.* in the workshop was receiving electrical power prior to the fire. Mr. Fox also did not speak with Det. Williams regarding his fire investigation or seek to determine why Det. Williams' found the fire's cause and origin to be undetermined. Mr. Fox conceded he did not disagree with Det. Williams' conclusions. Mr. Fox

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<sup>2</sup> Mr. Fox's testimony regarding the workshop fire's cause and origin was presented outside the jury's presence after HEC objected to him being allowed to testify as a fire "cause and origin" expert.

<sup>3</sup> For example, Mr. Fox testified he (a) was unfamiliar with The National Fire Protection Association's 921 Manual "Guide for Fire and Explosion Investigations"; (b) had never used that publication in a fire "cause and origin" investigation, and (c) did not use the book in this case.

acknowledged that even though it was his opinion the damaged Powerline wire contributed to the workshop fire, he did not know the actual cause of the fire.

Additionally, Mr. Fox testified he had (1) no training, education, nor experience in fire “cause and origin” investigation; (2) never performed, conducted, nor participated in a fire “cause and origin” investigation; (3) never performed nor participated in a fire “cause and origin” investigation factually similar to the workshop fire; and (4) had never been offered nor testified as a fire “cause and origin” expert. Mr. Fox admitted he did not consider himself to be a fire “cause and origin” expert. Other than admitting in direct testimony that Det. Williams had found the fire cause and origin to be undetermined, Mr. Fox’s testimony was the only expert opinion the Plaintiffs introduced during the trial in order to establish the causation element of the Worleys’ negligence claim against HEC.<sup>4</sup>

#### **STANDARD OF REVIEW**

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evidence.”<sup>7</sup> “The court is not concerned with the weight of the evidence, but whether there is any evidence from which the jury is warranted in making a finding.”<sup>8</sup> “When the evidence yields only one inference, a directed verdict in favor of the moving party is proper.”<sup>9</sup> “ ‘A directed verdict should be granted where the evidence raises no issue for the jury as to the defendant’s liability.’ ”<sup>10</sup>

### LAW AND ANALYSIS

South Carolina law requires expert evidence where, as here, “a factual issue must be resolved with scientific, technical, or any other specialized knowledge.”<sup>11</sup> The trial court acts as a gatekeeper and is required to “assess the threshold foundational requirements of qualifications and reliability [of Mr. Jacobs’ and Mr. Fox’s proffered testimony] and further find that the proposed evidence will assist the trier of fact.”<sup>12</sup>

In evaluating the admissibility of expert opinion testimony, this Circuit Court made three key preliminary findings, all of which are fundamental to the implementation of Rule 702, SCRE., namely:

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- (3) whether the offered testimony is reliable.

Expert testimony which does not meet these three requirements must be excluded and cannot be submitted to the jury. This Circuit Court addresses each in turn.

First, this Circuit Court finds that fire “cause and origin” is beyond the ordinary knowledge of the jury.<sup>13</sup> South Carolina courts agree that fire cause and origin is generally beyond the common knowledge of a jury.<sup>14</sup> Consequently, in order to prove the negligence element of causation, the Worleys were required to provide expert testimony in fire “cause and origin” establishing, by a preponderance of the evidence, that HEC’s alleged failure to properly maintain the Powerline caused the workshop fire. The Worleys failed to do so in this matter and, therefore, HEC is entitled to directed verdict.

Second, this Circuit Court considered whether Mr. Fox possessed the requisite knowledge and skill to qualify as an expert in fire “cause and origin” such that he would be able to aid the jury in its fact-finding duties. This Circuit Court finds that Mr. Fox does not possess the requisite knowledge and skill to qualify as fire “cause and origin” experts.<sup>15</sup> Although Mr. Fox is a master electrician and has extensive experience in building code inspections, none of Mr. Fox’s

---

<sup>13</sup> See generally State v. Jones, 423 S.C. 631, 634-635, 817 S.E.2d 268, 270 (2018).

<sup>14</sup> See Graves v. CAS Med. Sys., Inc., 401 S.C. 63, 81, 735 S.E.2d 650, 659 (2012) (citing Mack Trucks, Inc. v. Tamez, 206 S.W.3d 572, 583 (Tex. 2006)). Fowler v. Nationwide Mut. Fire Ins. Co., 410 S.C. 403, 410, 764 S.E.2d 249, 252 (Cl. App. 2014) (stating that testimony regarding fire’s cause and origin “‘require[s] special knowledge, skill, experience or training’ to properly be made”); Wright v. Heister Const. Co., Inc., 389 S.C. 504, 523, 698 S.E.2d 822, 832 (Cl. App. 2010).

<sup>15</sup> See generally Risher v. S.C. Dept. of Health & Env’tl. Control, 393 S.C. 198, 205, 712 S.E.2d 428, 432 (2011) (quoting Gooding v. St. Francis Xavier Hosp., 326 S.C. 248, 252-253, 487 S.E.2d 596, 598 (1997)).

experience involves fire “cause and origin” investigations and/or determinations. Mr. Fox was questioned on and specifically testified:

- (a) he had no training, education, nor experience in fire “cause and origin” investigation;
- (b) he had never performed, conducted, nor participated in a fire “cause and origin” investigation;
- (c) he never performed nor participated in a fire “cause and origin” investigation factually similar to the workshop fire;
- (d) none of his prior job responsibilities or duties included fire “cause and origin” investigations; and
- (e) he had previously never been offered nor testified as a fire “cause and origin” expert.

Importantly, Mr. Fox admitted that he was not a fire “cause and origin” expert. Mr. Fox, as the Worleys’ only testifying expert, clearly failed to meet the second consideration/requirement regarding the requisite knowledge and skill in the particular subject matter of fire “cause and origin” necessary to have been properly qualified as a fire “cause and origin” expert.

Finally, this Circuit Court evaluated the substance of Mr. Fox’s testimony in order to determine whether it was reliable. This Circuit Court concluded that Mr. Fox’s testimony was not reliable.<sup>16</sup> Mr. Fox testified he did not consider the activities he performed for the Worleys to be an investigation. He was simply requested to visit the workshop fire site solely to determine if something looked unusual. Mr. Fox did not perform any forensic testing nor use any type of recognized and/or standard scientific method related to fire “cause and origin” in order to reach his proffered expert opinion regarding the cause of the workshop fire. In fact, he only visited the

---

<sup>16</sup> See Lord v. D & J Enterprises, Inc., 2018 WL 1410732, \*1 (S.C.App., filed Mar. 21, 2018) (citing Graves v. CAS Med. Sys., Inc., 401 S.C. 63, 75, 735 S.E.2d 650, 656 (2012) (“[T]his evidence must be evaluated on an ad hoc basis.”)(Alteration in original)).

workshop fire site on one occasion for about an hour. Moreover, Mr. Fox admitted that even though he believed the allegedly damaged Powerline wire contributed to the workshop fire, he could not testify that the damaged wire was the cause of the fire. Mr. Fox did not do anything to either rule out or exclude any of the other myriad potential causes of the workshop fire. These facts in addition to Mr. Fox's aforementioned lack of experience, knowledge, or skill in fire "cause and origin", renders Mr. Fox's testimony unreliable, and therefore, his opinion cannot properly be submitted to the jury.

### **CONCLUSION**

Based on the foregoing, the Motion for a Directed Verdict made by the Defendant, Horry Electric Cooperative, Inc., is hereby **GRANTED** and this matter is dismissed with prejudice.

---

The Honorable Paul M. Burch

May \_\_\_\_, 2021



**Horry Common Pleas**

**Case Caption:** Harold G Worley , plaintiff, et al VS Horry Electric Cooperative Inc ,  
defendant, et al  
**Case Number:** 2016CP2607787  
**Type:** Order/Other

**So Ordered**

s/Paul M. Burch, Judge #2048

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Jun 21 2021

SC Court of Appeals

STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM Horry COUNTY  
Court of Common Pleas

The Honorable Paul M. Burch, Circuit Court Judge

Case No. 2016-CP-26-07787

Harold G. Worley and Thomas Wade Long and  
Harold G. Worley as successor trustee of Trust B  
of the Sandra Gall Worley Irrevocable Trust under  
Trust Agreement dated July 31, 2010 ..... Appellants

v.

Horry Electric Cooperative ..... Respondents

NOTICE OF APPEAL

John M. Leiter  
Law Offices of John M. Leiter, PA  
405 79<sup>th</sup> Ave., North, Suite B  
Myrtle Beach, SC 29572  
(843) 449-1451; jleiter@48th.com  
Attorney for Appellants

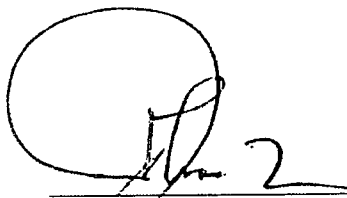
June 21, 2021

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**NOTICE OF APPEAL**

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Appellants, Harold G. Worley, Thomas Wade Long and Harold G. Worley as successor trustee of Trust B of the Sandra Gall Worley Irrevocable Trust under Trust Agreement dated July 31, 2010, appeal the Order of the Honorable Paul M. Burch Granting a Motion for a Directed Verdict made in favor of the Defendant, Horry Electric Cooperative, Inc., which was electronically signed and served on May 27, 2021, and is attached to this Notice as Exhibit A.

A handwritten signature in black ink, appearing to read "John M. Leiter", is written over a horizontal line.

John M. Leiter  
Law Offices of John M. Leiter, PA  
405 79<sup>th</sup> Ave., North, Suite B  
Myrtle Beach, SC 29572  
(843) 449-1451; jleiter@48th.com  
Attorney for Appellant

June 21, 2021

STATE OF SOUTH CAROLINA  
In the Court of Appeals

RECEIVED

Jun 21 2021

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

SC Court of Appeals

The Honorable Paul M. Burch, Circuit Court Judge

Case No. 2016-CP-26-07787

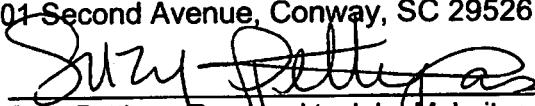
Harold G. Worley and Thomas Wade Long and  
Harold G. Worley as successor trustee of Trust B  
of the Sandra Gall Worley Irrevocable Trust under  
Trust Agreement dated July 31, 2010 ..... Appellants

v.

Horry Electric Cooperative ..... Respondents

**PROOF OF SERVICE**

I certify that I have served the **Notice of Appeal** on Horry Electric Cooperative by depositing a copy of it in the United States Mail, postage prepaid, on June 21, 2021, addressed to its attorney of record, Pope D. Johnson, III, Esq., 1230 Richland Street, Columbia, SC 29201 and a copy was timely electronically filed and served on the Clerk of Court for Horry County, South Carolina as depositing a copy of it in the United States Mail, postage prepaid, on June 21, 2021, to 1301 Second Avenue, Conway, SC 29526.

  
Suzy Pettipas, Paralegal to John M. Leiter, Esq.  
Law Offices of John M. Leiter, PA  
405 79<sup>th</sup> Ave., North, Suite B  
Myrtle Beach, SC 29572  
(843) 449-1451  
Attorney for Appellant

June 21, 2021

STATE OF SOUTH CAROLINA

COUNTY OF HORRY.

Harold G. Worley and Thomas Wade Long  
and Harold G. Worley as successor trustee of  
Trust B of the Sandra Gall Worley  
Irrevocable Trust under Trust Agreement  
dated July 31, 2010,

Plaintiffs,

vs.

Horry Electric Cooperative, Inc.,

Defendant.

IN THE COURT OF COMMON PLEAS

CIVIL CASE NO. 2016-CP-26-7787

ORDER GRANTING DEFENDANT'S  
MOTION FOR A DIRECTED  
VERDICT

RECEIVED

Jun 21 2021

SC Court of Appeals

This matter is before the Court upon the Motion for a Directed Verdict made by the Defendant, Horry Electric Cooperative, Inc. ("HEC"), following the close of the case-in-chief of the Plaintiffs, Harold G. Worley, Thomas Wade Long, and Harold G. Worley as Successor Trustee of Trust B of the Sandra Gall Worley Irrevocable Trust Under Trust Agreement dated July 31, 2010 (collectively the "Worleys"). This matter began on Tuesday May 18, 2021 and concluded when, from the Bench, this Circuit Court granted HEC's directed verdict motion that same day. For the reasons set forth herein, it is this Circuit Court's judgment that HEC's Motion for Directed Verdict be and hereby is granted.

#### FACTS

This matter arose from a fire that occurred late on December 31, 2014, destroying the workshop of the Plaintiff, Harold B. Worley ("Harold Worley").<sup>1</sup> The Worleys further alleged

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<sup>1</sup> The workshop is owned by the Plaintiff, Harold G. Worley as successor trustee of Trust B of the Sandra Gall Worley Irrevocable Trust under Trust Agreement dated July 31, 2010. The Plaintiff, Thomas Wade Long ("Mr. Long"), claims that he stored personal property at the workshop which was allegedly destroyed in the fire.

that various items of personal property were also destroyed in the fire. The Horry County Fire Rescue ("HCFR") arrived to suppress the fire. Detective William J. Martin of the HCFR's Investigations Unit arrived shortly thereafter to secure the scene and returned at daylight the next morning to inspect the workshop. In his final report, as acknowledged on direct examination by Plaintiff Worley and another witness, Det. Martin stated he was unable to determine the exact cause of the fire.

The Worleys allege the fire was proximately caused by an unmaintained HEC service drop. During the Worleys' case-in-chief, their counsel notified this Circuit Court that the Worleys intended to offer Herman Fox ("Mr. Fox"), a retired master electrician and fire marshal, and David Jacobs ("Mr. Jacobs"), a retired fire marshal, as experts in fire cause and origin. Mr. Fox's electrical experience consisted of his grandfather having taught him to be an electrician when Mr. Fox was a teenager. After serving the requisite apprenticeship years under an electrician, Mr. Fox became a master electrician. Mr. Fox also testified that, in his role with Horry County government, he participated in hundreds of building inspections to determine whether the building was code compliant, including fire safety and electrical code compliance. Mr. Fox also participated in many post-fire inspections to determine whether the building at issue was sufficiently structurally safe to allow re-entry.

Mr. Fox testified that Harold Worley, a member of Horry County Council, requested that he and Mr. Jacobs, both Horry County employees, come to the site of the fire to look around to see if anything was unusual. During that visit, Mr. Fox testified he walked the HEC service powerline ("Powerline") going into the Harold Worley's Workshop and viewed the panel box. As he walked the Powerline, Mr. Fox observed the protective coating on one section of the Powerline appeared to have rubbed off against an adjacent tree, thereby exposing the wiring. He also testified

that he saw burn marks on the nearby tree. In conclusion, Mr. Fox opined that he believed, to a reasonable degree of certainty, that the damaged and exposed Powerline wire contributed to the fire.<sup>2</sup>

On HEC's cross examination, Mr. Fox testified none of his prior building inspections involved a determination of a fire's cause and origin and, furthermore, none of his prior job responsibilities and/or duties included fire "cause and origin" investigations. Mr. Fox also conceded his code compliance inspection experience was limited solely to the building envelope and did not involve anything outside of the building past the electrical meter. Mr. Fox could not recall when, post fire, he went to the look at the workshop site for Harold Worley. Mr. Fox stated he visited the workshop site only once and was there for about an hour. He stated he did not consider his activities at the workshop site any type of an "investigation." Mr. Fox did not perform any forensic testing of either the Powerline or the workshop site. He did not know if the workshop site had been disturbed prior to the time he was there. Mr. Fox admitted he did not use any manner of scientific methodology in reaching his opinion regarding the cause of the workshop fire nor did he make any effort to exclude any other possible causes.<sup>3</sup> Mr. Fox further stated he did not know the source of fuel for the fire or what machinery, lighting, *etc.* in the workshop was receiving electrical power prior to the fire. Mr. Fox also did not speak with Det. Williams regarding his fire investigation or seek to determine why Det. Williams' found the fire's cause and origin to be undetermined. Mr. Fox conceded he did not disagree with Det. Williams' conclusions. Mr. Fox

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<sup>2</sup> Mr. Fox's testimony regarding the workshop fire's cause and origin was presented outside the jury's presence after HEC objected to him being allowed to testify as a fire "cause and origin" expert.

<sup>3</sup> For example, Mr. Fox testified he (a) was unfamiliar with The National Fire Protection Association's 921 Manual "Guide for Fire and Explosion Investigations"; (b) had never used that publication in a fire "cause and origin" investigation, and (c) did not use the book in this case.

acknowledged that even though it was his opinion the damaged Powerline wire contributed to the workshop fire, he did not know the actual cause of the fire.

Additionally, Mr. Fox testified he had (1) no training, education, nor experience in fire “cause and origin” investigation; (2) never performed, conducted, nor participated in a fire “cause and origin” investigation; (3) never performed nor participated in a fire “cause and origin” investigation factually similar to the workshop fire; and (4) had never been offered nor testified as a fire “cause and origin” expert. Mr. Fox admitted he did not consider himself to be a fire “cause and origin” expert. Other than admitting in direct testimony that Det. Williams had found the fire cause and origin to be undetermined, Mr. Fox’s testimony was the only expert opinion the Plaintiffs introduced during the trial in order to establish the causation element of the Worleys’ negligence claim against HEC.<sup>4</sup>

#### **STANDARD OF REVIEW**

“The motion for directed verdict may be made at the close of plaintiff’s evidence, as well as at the close of all the evidence.”<sup>5</sup> “In ruling on a motion for a directed verdict, the trial court must view the evidence and the inferences which reasonably can be drawn therefrom in the light most favorable to the party opposing the motion.”<sup>6</sup> “In deciding whether to grant or deny a directed verdict motion, the trial court is concerned only with the existence or nonexistence of

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<sup>4</sup> After this Circuit Court sustained HEC’s objection to permitting Mr. Fox to testify as a fire “cause and origin” expert, the Plaintiffs’ counsel indicated Mr. Jacobs had similar issues as Mr. Fox regarding his knowledge and experience vis-à-vis fire “cause and origin” and, in turn, did not call Mr. Jacobs to testify.

<sup>5</sup> Estate of Haley v. Brown, 370 S.C. 240, 251, 634 2d 62, 67-68 (Cl. App. 2006) (quoting Note 2 to Rule 50, SCRCivP) (Anderson, J., *dissenting in separate opinion*), *rehearing denied* (Aug. 25, 2006), *certiorari denied* (Oct. 18, 2007).

<sup>6</sup> Erickson v. Jones St. Publishers, LLC, 368 S.C. 444, 629 S.E.2d 653 (2006); Proctor v. Department of Health Envtl. Control, 368 S.C. 279, 628 S.E.2d 496 (Cl.App.2006); The Huffines Co., LLC v. Lockhart, 365 S.C. 178, 617 S.E.2d 125 (Cl.App.2005).

evidence.”<sup>7</sup> “The court is not concerned with the weight of the evidence, but whether there is any evidence from which the jury is warranted in making a finding.”<sup>8</sup> “When the evidence yields only one inference, a directed verdict in favor of the moving party is proper.”<sup>9</sup> “ ‘A directed verdict should be granted where the evidence raises no issue for the jury as to the defendant’s liability.’ ”<sup>10</sup>

### LAW AND ANALYSIS

South Carolina law requires expert evidence where, as here, “a factual issue must be resolved with scientific, technical, or any other specialized knowledge.”<sup>11</sup> The trial court acts as a gatekeeper and is required to “assess the threshold foundational requirements of qualifications and reliability [of Mr. Jacobs’ and Mr. Fox’s proffered testimony] and further find that the proposed evidence will assist the trier of fact.”<sup>12</sup>

In evaluating the admissibility of expert opinion testimony, this Circuit Court made three key preliminary findings, all of which are fundamental to the implementation of Rule 702, SCRE., namely:

- (1) whether fire cause and origin is beyond the ordinary knowledge of the jury;

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<sup>7</sup> Long v. Norris Assocs., Ltd., 342 S.C. 561, 568, 538 S.E.2d 5, 9 (Ct.App. 2000) (citing Jones v. General Elec. Co., 331 S.C. 351, 503 S.E.2d 173 (Ct.App.1998)).

<sup>8</sup> Washington v. Whitaker, 317 S.C. 108, 113-114, 451 S.E.2d 894897-898 (1994) (citing Waites v. S.C. Windstorm & Hail Under. Assoc., 279 S.C. 362, 307 S.E.2d 223 (1983))

<sup>9</sup> Sims v. Giles, 343 S.C. 708, 715 541 S.E.2d 857, 860 (Ct.App.2001) (citing Swinton Creek Nursery v. Edisto Farm Credit, 334 S.C. 469, 514 S.E.2d 126 (1999)).

<sup>10</sup> Fletcher v. Medical Univ. of South Carolina, 390 S.C. 458, 462, 702 S.E.2d 372, 374 (Ct. App. 2010) (quoting Guffey v. Columbia/Colleton Reg’l Hosp., Inc., 364 S.C. 158, 163, 612 S.E.2d 695, 697 (2005)).

<sup>11</sup> Watson v. Ford Motor Co., 389 S.C. 434, 445, 699 S.E.2d 169, 175 (2010).

<sup>12</sup> State v. White, 382 S.C. 265, 274, 676 S.E.2d 684, 689 (2009). See also Rule 702, SCREvid.

- (2) whether the witness(es) possess(es) the requisite knowledge and skill to qualify as an expert in fire cause and origin; and
- (3) whether the offered testimony is reliable.

Expert testimony which does not meet these three requirements must be excluded and cannot be submitted to the jury. This Circuit Court addresses each in turn.

First, this Circuit Court finds that fire “cause and origin” is beyond the ordinary knowledge of the jury.<sup>13</sup> South Carolina courts agree that fire cause and origin is generally beyond the common knowledge of a jury.<sup>14</sup> Consequently, in order to prove the negligence element of causation, the Worleys were required to provide expert testimony in fire “cause and origin” establishing, by a preponderance of the evidence, that HEC’s alleged failure to properly maintain the Powerline caused the workshop fire. The Worleys failed to do so in this matter and, therefore, HEC is entitled to directed verdict.

Second, this Circuit Court considered whether Mr. Fox possessed the requisite knowledge and skill to qualify as an expert in fire “cause and origin” such that he would be able to aid the jury in its fact-finding duties. This Circuit Court finds that Mr. Fox does not possess the requisite knowledge and skill to qualify as fire “cause and origin” experts.<sup>15</sup> Although Mr. Fox is a master electrician and has extensive experience in building code inspections, none of Mr. Fox’s

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<sup>13</sup> See generally State v. Jones, 423 S.C. 631, 634–635, 817 S.E.2d 268, 270 (2018).

<sup>14</sup> See Graves v. CAS Med. Sys., Inc., 401 S.C. 63, 81, 735 S.E.2d 650, 659 (2012) (citing Mack Trucks, Inc. v. Tamez, 206 S.W.3d 572, 583 (Tex. 2006)). Fowler v. Nationwide Mut. Fire Ins. Co., 410 S.C. 403, 410, 764 S.E.2d 249, 252 (Ct. App. 2014) (stating that testimony regarding fire’s cause and origin “‘require[s] special knowledge, skill, experience or training’ to properly be made”); Wright v. Heister Const. Co., Inc., 389 S.C. 504, 523, 698 S.E.2d 822, 832 (Ct. App. 2010).

<sup>15</sup> See generally Risher v. S.C. Dept. of Health & Envtl. Control, 393 S.C. 198, 205, 712 S.E.2d 428, 432 (2011) (quoting Gooding v. St. Francis Xavier Hosp., 326 S.C. 248, 252–253, 487 S.E.2d 596, 598 (1997)).

experience involves fire “cause and origin” investigations and/or determinations. Mr. Fox was questioned on and specifically testified:

- (a) he had no training, education, nor experience in fire “cause and origin” investigation;
- (b) he had never performed, conducted, nor participated in a fire “cause and origin” investigation;
- (c) he never performed nor participated in a fire “cause and origin” investigation factually similar to the workshop fire;
- (d) none of his prior job responsibilities or duties included fire “cause and origin” investigations; and
- (e) he had previously never been offered nor testified as a fire “cause and origin” expert.

Importantly, Mr. Fox admitted that he was not a fire “cause and origin” expert. Mr. Fox, as the Worleys’ only testifying expert, clearly failed to meet the second consideration/requirement regarding the requisite knowledge and skill in the particular subject matter of fire “cause and origin” necessary to have been properly qualified as a fire “cause and origin” expert.

Finally, this Circuit Court evaluated the substance of Mr. Fox’s testimony in order to determine whether it was reliable. This Circuit Court concluded that Mr. Fox’s testimony was not reliable.<sup>16</sup> Mr. Fox testified he did not consider the activities he performed for the Worleys to be an investigation. He was simply requested to visit the workshop fire site solely to determine if something looked unusual. Mr. Fox did not perform any forensic testing nor use any type of recognized and/or standard scientific method related to fire “cause and origin” in order to reach his proffered expert opinion regarding the cause of the workshop fire. In fact, he only visited the

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<sup>16</sup> See *Lord v. D & J Enterprises, Inc.*, 2018 WL 1410732, \*1 (S.C.App., filed Mar. 21, 2018) (citing *Graves v. CAS Med. Sys., Inc.*, 401 S.C. 63, 75, 735 S.E.2d 650, 656 (2012) (“[T]his evidence must be evaluated on an ad hoc basis.”)(Alteration in original)).

workshop fire site on one occasion for about an hour. Moreover, Mr. Fox admitted that even though he believed the allegedly damaged Powerline wire contributed to the workshop fire, he could not testify that the damaged wire was the cause of the fire. Mr. Fox did not do anything to either rule out or exclude any of the other myriad potential causes of the workshop fire. These facts in addition to Mr. Fox's aforementioned lack of experience, knowledge, or skill in fire "cause and origin", renders Mr. Fox's testimony unreliable, and therefore, his opinion cannot properly be submitted to the jury.

#### CONCLUSION

Based on the foregoing, the Motion for a Directed Verdict made by the Defendant, Horry Electric Cooperative, Inc., is hereby **GRANTED** and this matter is dismissed with prejudice.

---

The Honorable Paul M. Burch

May \_\_, 2021



Horry Common Pleas

**Case Caption:** Harold G Worley , plaintiff, et al VS Horry Electric Cooperative Inc ,  
defendant, et al  
**Case Number:** 2016CP2607787  
**Type:** Order/Other

So Ordered

s/Paul M. Burch, Judge #2048

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## Stephen Groves

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**From:** efiledonotreply@sccourts.org  
**Sent:** Friday, July 2, 2021 12:11 PM  
**To:** Kenny Gardner  
**Cc:** Becky Maxson  
**Subject:** Courtesy NEF RE: 2016CP2607787

\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\*  
**NOTICE OF ELECTRONIC FILING [NEF]**

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A filing has been submitted to the court RE: 2016CP2607787

**Official File Stamp:** 07-02-2021 12:10:34 PM  
**Court:** CIRCUIT COURT  
Common Pleas  
Horry  
**Case Caption:** Harold G Worley , plaintiff, et al VS Horry Electric Cooperative Inc , defendant, et al  
**Event(s):** Notice/Notice of Appearance  
  
**Document(s) Submitted:** Appeal/Notice of Appeal to Court of Appeals  
- E-Filing/Additional Parts  
**Filed by or on behalf of:** John M. Leiter

This notice was automatically generated by the Court's auto-notification system.

---

**The following people were served electronically:**

Kenyatta L. Gardner for Horry Electric Cooperative Inc  
Bradish J. Waring for Horry Electric Cooperative Inc  
Kevin Mitchell Barth for Harold G Worley, Thomas Wade Long  
J. Boone Aiken, III

**The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:**

Kenyatta L. Gardner for Horry Electric Cooperative Inc  
Sandra Gall Worley Revocable Trust  
Harold Gene Worley

~~~ CONFIDENTIALITY NOTICE ~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

**STATE OF SOUTH CAROLIA
IN THE
COURT OF APPEALS**

Appeal from the Court of Common Pleas
For Horry County
Honorable Paul M. Burch, Circuit Court Judge
Civil Action No.: 2016-CP-26-07787
Appellate No.: _____

RECEIVED

JUL 19 2021

SC Court of Appeals

HAROLD G. WORLEY and THOMAS WADE LONG and
HAROLD G. WORLEY as SUCCESSOR TRUSTEE of
TRUST B of the SANDRA GAIL WORLEY IRREVOCABLE
TRUST UNDER TRUST AGREEMENT DATED JULY 31, 2010,

Appellants,

vs.

HORRY ELECTRIC COOPERATIVE, INC.,

PROOF OF SERVICE

Bradish J. Waring, Esquire
SC Bar No.: 5828
Stephen P. Groves, Sr., Esquire
SC Bar No.: 7854
Kenyatta L. Gardner, Esquire
SC Bar No.: 100087
BUTLER SNOW LLP
25 Calhoun Street, Suite 250
Charleston, South Carolina 29401
Telephone: 843.277.3704
Telecopier: 843.277.3701
E-Mail: Brad.Waring@butlersnow.com
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Kenny.Gardner@butlersnow.com

*Attorneys for the Respondent,
Horry Electric Cooperative, Inc.*

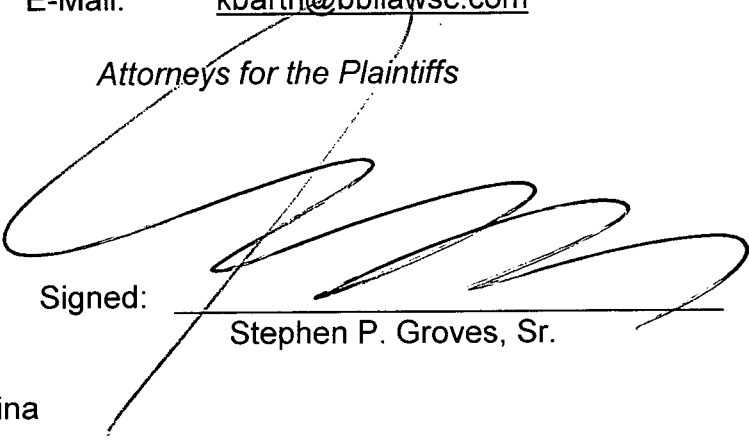
I, Stephen P. Groves, Sr., Esquire, hereby certify that on **16 July 2021**, I served a copy of the **MOTION TO DISMISS APPEAL** (including all attachments) submitted by the Respondent, Horry Electric Cooperative, Inc., on counsel for the Appellants, Harold G. Worley and Thomas Wade Long and Harold G. Worley as successor trustee of Trust B of the Sandra Gail Worley Irrevocable Trust under Trust Agreement dated July 31, 2010, via the United States Mail, postage pre-paid and addressed as follows:

John M. Leiter, Esquire
LAW OFFICES OF JOHN M. LEITER, PA
405 79th Avenue, North
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Telephone: 843.449.1451
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Attorneys for the Appellants

Kevin M. Barth, Esquire
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E-Mail: kbarth@bblawsc.com

Attorneys for the Plaintiffs

Signed: 
Stephen P. Groves, Sr.

Charleston, South Carolina

16 July 2021

BUTLER | SNOW

16 July 2021

VIA FEDERAL EXPRESS

The Honorable Jenny Abbott Kitchings
Clerk of Court
SOUTH CAROLINA COURT OF APPEALS
1220 Senate Street
Columbia, South Carolina 29201

RECEIVED

JUL 19 2021

SC Court of Appeals

Re: Harold G. Worley and Thomas Wade Long and Harold G. Worley as successor trustee of Trust B of the Sandra Gail Worley Irrevocable Trust under Trust Agreement dated July 31, 2010 v. Horry Electric Cooperative, Inc.

Appellate Case No.: 2021-000652

Appeal from the Horry County Court of Common Pleas

B/S File No.: 052428.219507

Dear Madame Clerk:

Pursuant to Rule 240, SCACR, please find enclosed the following documents to be filed on behalf of the Respondent, Horry Electric Cooperative, Inc., in the above-referenced matter:

1. Original and six (6) copies of a Motion to Dismiss Appeal; and
2. Original and one copy of a Proof of Service.

I also enclose our firm check in the amount of \$50.00 as payment for the applicable filing fee. Please let me know if there is anything else that you may need from me or if I otherwise may be of any assistance to the Court of Appeals.

With kindest regards,

Stephen P. Groves, Sr.

CC: John M. Leiter, Esquire
Kevin M. Barth, Esquire

Suite 250
25 Calhoun Street
Charleston, SC 29401

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