

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Alison Renee Lee, Circuit Court Judge

Case No. 2008-CP-40-8425

Caroline LeGrande, H. Paul LeGrande, Jr., and
Marion Mancini, Appellants,

vs.

South Carolina Electric & Gas Company, Respondent.

**APPELLANTS' REPLY TO RESPONDENT'S RETURN TO
APPELLANTS' PETITION FOR REHEARING**

RECEIVED

MAY 09 2013

SC Court of Appeals

Robert B. Ransom
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ATTORNEY FOR APPELLANTS

In its Return, SCE&G merely observes that the issues raised in the Petition for Rehearing were preserved for appeal. But the Return does not dispute the Appellants' argument on the merits of those issues. That issues are mentioned in passing by the trial court or minimally preserved for review does not mean the Court's March 27, 2013 opinion adequately addresses or correctly decides those issues on their merits. The presumed 1936 easement is perhaps the best example. Although that document was briefly mentioned by the trial court and is included in the Record on Appeal, neither SCE&G, the trial court nor this Court have yet addressed the very serious problems with that document which are identified in the Petition.

S.C. Code Ann. §58-9-2020 cannot enlarge the scope of the 1967 SCDOT right-of-way. SCE&G's Return does not contend otherwise. The Record on Appeal in no way supports SCE&G's claim that the 1936 easement controls this case. SCE&G's Return does not dispute this point. The provisions of the 1967 SCDOT right-of-way recited in the Court's March 27, 2013 opinion are not outcome determinative. SCE&G's Return does not claim that they are. In short, SCE&G concedes the merits of the Appellants' argument, but nevertheless asks the Court to ignore them simply because the issues raised were preserved for appeal.

The Court should grant the Petition and squarely address the issues raised therein.

Respectfully submitted,

BY: Robert B. Ransom

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ATTORNEYS FOR THE APPELLANTS

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CERTIFICATE OF SERVICE

I certify that I have served the Appellants' Reply to the Respondent's Return to Appellant's Petition for Rehearing on South Carolina Electric & Gas Company by depositing a copy of it in the United States Mail, postage prepaid, on May 9, 2013, 2013, addressed to its attorney of record, Steven J. Pugh, Post Office Drawer 7788, Columbia, South Carolina 29202.

May 9, 2013

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May 9, 2013

Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
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Re: Caroline LeGrande et alia v. South Carolina Electric & Gas Company
2008-CP-40-8425
Case Tracking No.: 2011204148

Dear Ms. Kitchings:

Enclosed for filing please find the original and six (6) copies of the Appellants' Reply to Respondent's Return to Appellants' Petition for Rehearing, along with an original Certificate of Service.

Thank you for your attention to this matter. Please call me if you have any questions or comments.

Very truly yours,



Robert B. Ransom

Enclosures

c: Steven J. Pugh, Esq.

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