

STATE OF SOUTH CAROLINA)
)
 COUNTY OF HAMPTON)
)
 Richard Lightsey, LeBrian Cleckley,)
 Phillip Cooper, *et al.*, on behalf of)
 themselves and all others similarly situated,)
)
 Plaintiffs,)
)
 v.)
)
 South Carolina Electric & Gas Company,)
 a Wholly Owned Subsidiary of SCANA,)
 SCANA Corporation, and the State of)
 South Carolina,)
)
 Defendants.)
 _____)

IN THE COURT OF COMMON PLEAS
 CASE NO.: 2017-CP-25-335

**ORDER APPOINTING
 SPECIAL MASTER FOR DECEASED
 CLASS MEMBER CLAIMS**

This matter is before the Court on Plaintiffs’ Motion for Appointment of Special Master pursuant to this Court’s Order Granting Final Approval of Settlement and the parties’ Settlement Agreement in this matter.

The Settlement Agreement governs the payments to living and deceased Class Members from the Common Benefit Fund.

Any living Class Member who does not submit a valid Request for Exclusion shall receive a payment without the necessity of submitting a claim form. Because of the need to establish the proper payee for a deceased Class Member, the Personal Representative or next of kin of a deceased Class Member must file a claim no later than ninety days after the issuance of the Order of Preliminary Approval and provide a death certificate, letters of appointment, and/or proof of next of kin status. Appeals regarding the adjudication of claims for deceased Class Members, and for all other disputes regarding the proper payee, shall be made to a special master appointed by the Court. The costs of any appeals to the special master shall be paid from the Common Benefit Fund.

Settlement Agreement at ¶ 30. A Deceased Class Member Claim Form is attached to the Settlement Agreement as Exhibit F and was made available to Class Members. The Claims Administrator received 1,659 Deceased Class Member Claim Forms by the April 5, 2019 submission deadline and 68 after the deadline, for a total of 1,727 deceased Class Member claims as of June 14, 2019. In addition to the late submitted claims, some of the timely submitted claims will be rejected by the Claims Administrator for failure to comply with the submission requirements. Accordingly, a special master will be needed to resolve appeals regarding the adjudication of claims for deceased Class Members and for all other disputes regarding the proper payee on such claims.

This Court has the inherent power to appoint a competent neutral to resolve disputes regarding deceased Class Member claims and finds such an appointment to be warranted here. Accordingly, David L. Michel is hereby appointed to resolve appeals regarding the adjudication of deceased Class Members claims and all other disputes regarding the proper payee on such claims. This appointment is not made pursuant to Rule 53, SCRCP.

Mr. Michel shall work with Class Counsel and the Claims Administrator to establish an appeals process, and the Claims Administrator shall notify anyone whose deceased Class Member claim is rejected of the appeals process. All determinations made by Mr. Michel will be binding, and no subsequent review will be allowed.

Mr. Michel shall be deemed an officer of the Court, and as such shall be entitled to judicial and/or quasi-judicial immunity from liability for his actions as special master.

Mr. Michel is entitled to a fee for his work at a \$225.00 hourly rate plus any related expenses incurred. These fees and expenses shall be paid from the Common Benefit Fund.

AND IT IS SO ORDERED.

HONORABLE JOHN C. HAYES, III
PRESIDING JUDGE

_____, 2019
Rock Hill, South Carolina



Hampton Common Pleas

Case Caption: Richard Lightsey VS South Carolina Electric & Gas

Case Number: 2017CP2500335

Type: Order/Consent Order

So Ordered

s/John C. Hayes III 2049