

STATE OF SOUTH CAROLINA )  
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 COUNTY OF HORRY )  
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 )  
 George M. Hearn, Jr., on Behalf of Himself and )  
 All other Similarly Situated, )  
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 )  
 Plaintiffs, )  
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 )  
 v. )  
 )  
 )  
 South Carolina Public Service Authority d/b/a )  
 Santee Cooper, )  
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 )  
 Defendant. )  
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IN THE COURT OF COMMON PLEAS  
 FIFTEENTH JUDICIAL CIRCUIT  
BUSINESS COURT

Civil Action No. 2017-CP-26-05256

**ORDER GRANTING CLASS  
 CERTIFICATION AND  
 PRELIMINARY APPROVAL OF  
 CLASS ACTION SETTLEMENT**

On June 7, 2021, Plaintiff filed a Motion for Preliminary Approval for a class action settlement with Defendant, South Carolina Public Service Authority (“Santee Cooper”). The Court, having reviewed the Motion for Preliminary Approval, the Settlement Agreement, the pleadings, and other papers on file in this action, hereby finds that the Motion should be GRANTED.

NOW, THEREFORE IT IS HEREBY ORDERED THAT:

1. For purposes of this Order, except as otherwise set forth herein, the Court adopts and incorporates the definitions contained in the parties’ Settlement Agreement (“Alternatively identified herein as “Settlement” or “Agreement”).
2. The Court hereby gives its preliminary approval to the proposed Settlement and will schedule a hearing on the final approval of the proposed Settlement.
3. Pursuant to Rule 23, South Carolina Rules of Civil Procedure, the Court provisionally certifies, for settlement purposes only, a class of all residential and business retail

*[Handwritten signature]* page 1 of 6

customers who received power and energy from Santee Cooper and who had Accounts with Santee Cooper between November 1, 2009 and February 28, 2021.

4. The Court further provisionally finds that, for settlement purposes only, the prerequisites to a class action under Rule 23, SCRCP are satisfied in that:

a. the number of class members is so great that the joinder of all members impracticable;

b. there are questions of law and fact common to the class;

c. the claims or defenses of the proposed class representative are typical of the claims or defenses of the class;

d. the proposed class representative will fairly and adequately protect the interests of the class, and has retained counsel experienced in class action litigation who have, and will continue to, adequately represent the class;

e. questions of law or fact common to class members predominate over any questions affecting only individual members; and

f. the amount in controversy for each class member exceeds one hundred dollars (\$100.00).

5. The Court preliminarily finds that the proposed Settlement falls within the range of possible final approval and is fair, adequate, and reasonable for the class. The Court further finds that there is a sufficient basis for notifying the members of the class of the proposed Settlement Class and to schedule a final hearing.

6. The Court provisionally approves the Distribution Plan, subject to final approval of the Settlement.

7. The Court provisionally appoints George M. Hearn, Jr. as class representative.



8. The Court appoints Daniel S. Haltiwanger, William C. Lewis, and Brady R. Thomas of Richardson of Thomas, Haltiwanger, Moore & Lewis, LLC; Matthew A. Nickles of Rogers, Patrick, Westbrook & Brickman, LLC; Jack G. Gresh and Lauren S. Gresh of Hall Booth Smith, P.C.; and L. Morgan Martin of L. Morgan Martin, P.A as Class Counsel.

9. The Court approves the proposed means for Notice to the class as defined in the Agreement and described in the Notice Plan.

10. The Court approves the format and content of the Notice attached to the Agreement as the means to provide notification of the Settlement to members of the class.

11. Having considered the manner of giving notice to class members as described in the Agreement, the Court finds that the Notice as set forth (i) is the best practicable notice; (ii) is reasonably calculated, under the circumstances, to apprise the class members of the proposed Settlement and of their right to object or to exclude themselves as provided in the Agreement; (iii) is reasonable and constitutes due, adequate, and sufficient notice to all persons entitled to receive notice; and (iv) meets all applicable requirements of due process.

12. As provided in the Agreement, each member of the class will have the right to be excluded from the Settlement Class by mailing a request for exclusion (“Successful Opt-Out”). In order to become a Successful Opt-Out, a Person who meets the definition of the Settlement Class must complete and mail a request for exclusion to the Settlement Administrator prior to the Exclusion Deadline. A request for exclusion shall be valid and treated as a Successful Opt-Out if the exclusion request includes the following information: (1) the Person’s full name, current address, and telephone number; (2) the Person’s residential or commercial service address(es); (3) the Person’s Santee Cooper Account number(s) as to which he or she seeks exclusion; (4) an unequivocal statement that the Person intends to be excluded from the Settlement Class and to

forgo all rights and benefits of the Agreement; and (5) the Person's signature. Successful Opt-Outs may opt out of the Settlement Class only on an individual basis; so-called mass or class opt-outs shall not be allowed and shall be of no force or effect. A Person acting pursuant to a legal power of attorney, however, may request exclusion of an individual. Class Counsel shall cause copies of requests for exclusion to be provided to Defendant's Counsel.

13. As provided in the Agreement RG/2 Claims Administration is appointed as the Settlement Administrator and shall have responsibility for providing Notice to the Settlement Class and administering the Settlement as set forth in the Agreement.

14. Any class member who excludes himself or herself from the Class may not file an objection to the Settlement and shall be deemed to have waived any rights or benefits under this Settlement.

15. No later than fourteen (14) Days after the Exclusion Deadline, Class Counsel shall provide to Defendant's Counsel a complete and final list of Successful Opt-Outs and copies of the requests for exclusion.

16. Class Members who wish to object to any aspect of the Settlement must serve a written objection to the Settlement ("Objection") upon Class Counsel and Defendant's Counsel at the addresses in the Class Notice and file the Objection simultaneously with the Court prior to the Objection Deadline. All Objections must include the following information: (1) the Class Member's full name, current address, and telephone number; (2) the Class Member's residential or commercial service address(es); (3) the Class Member's Santee Cooper Account number(s); (4) all specific objections and the reasons in support thereof, and any and all supporting papers; and (5) a statement of whether the Class Member or his or her counsel will appear at the Final Approval Hearing. If a Class Member intends to object through counsel, the Class Member's attorney must append a list

of all prior objections previously filed by such counsel in state and federal courts, and with respect to each, provide (1) the case number; (2) the court where the prior objection was filed; and (3) the outcome of the objection. If a Class Member intends to appear and requests to be heard, either individually or through counsel, the Class Member or his or her counsel must file a notice of appearance no later than fourteen (14) Days before the Final Approval Hearing. Any Class Member who does not submit a timely Objection in accordance with this Agreement and orders of the Court, shall not be treated as having filed a valid Objection to the Settlement.

17. The Court will conduct the Final Approval Hearing on **October 7, 2021 at 2:00 p.m., in Dorchester County, South Carolina**. The Final Approval Hearing will be conducted to determine the following:

- a. Whether the proposed Settlement is fair, reasonable, and adequate and should be granted final approval;
- b. Whether final judgment should be entered dismissing all claims in this case with prejudice as required by the Settlement;
- c. Whether attorneys' fees, expenses, and costs should be awarded and, if so, the amount to be awarded;
- d. Whether an incentive award should be awarded to the proposed class representative and, if so, the amount to be awarded;
- e. Whether a class should be certified for settlement purposes only; and
- f. Such other matters as the Court may deem appropriate.


18. The Court has and retains exclusive jurisdiction over this action to consider all further matters arising out of or connected to the proposed Settlement.

[JUDGE'S SIGNATURE TO FOLLOW]

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*DSB page 5 of 6*

IT IS SO ORDERED.

Dated: July 1, 2021

By:   
The Honorable Diane S. Goodstein  
Business Court Judge

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*DS page 6 of 6*