

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

Jessica S. Cook, Corrin F. Bowers & Son, Cyril B. Rush, Jr., Bobby Bostick, Kyle Cook, Donna Jenkins, Chris Kolbe, and Ruth Ann Keffer, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

South Carolina Public Service Authority, an Agency of the State of South Carolina (also known as Santee Cooper); W. Leighton Lord, III, in his capacity as chairman and director of the South Carolina Public Service Authority; William A. Finn, in his capacity as director of the South Carolina Public Service Authority; Barry Wynn, in his capacity as director of the South Carolina Public Service Authority; Kristofer Clark, in his capacity as director of the South Carolina Public Service Authority; Merrell W. Floyd, in his capacity as director of the South Carolina Public Service Authority; J. Calhoun Land, IV, in his capacity as director of the South Carolina Public Service Authority; Stephen H. Mudge, in his capacity as director of the South Carolina Public Service Authority; Peggy H. Pinnell, in her capacity as director of the South Carolina Public Service Authority; Dan J. Ray, in his capacity as director of the South Carolina Public Service Authority; David F. Singleton, in his capacity as director of the South Carolina Public Service Authority; Jack F. Wolfe, Jr., in his capacity as director of the South Carolina Public Service Authority; Central Electric Power Cooperative, Inc.; Palmetto Electric Cooperative, Inc.; South Carolina Electric & Gas Company; SCANA Corporation, SCANA Services, Inc.,

Defendants.

IN THE COURT OF COMMON PLEAS

THIRTEENTH JUDICIAL CIRCUIT

CASE NO. 2019-CP-23-06675

**ORDER APPROVING PLAN FOR  
SUBSEQUENT SETTLEMENT  
DISTRIBUTIONS**

This matter comes before this Court on the parties' Second Consent Motion for Approval of Plan for Subsequent Settlement Distributions. This Court previously entered an Amended Final Order and Judgment ("Amended Final Order") on July 31, 2020, approving a class action settlement that provided a \$520 million cash payment to the Class. The cash component included \$320 million from the sale of Dominion Energy, Inc. stock and \$200 million paid by the South Carolina Public Service Authority ("Santee Cooper") in three installments.

The Amended Final Order provided for two distributions to the Class. The initial distribution occurred in November 2020. In the process of administering the initial distribution to the Class, Epiq Class Action & Claims Solutions (the "Settlement Administrator") and the parties identified several steps that could be taken to improve eligible Class Members' realization of the cash benefits and brought those to this Court's attention through a Consent Motion for Approval of Plan for Subsequent Distributions. This Court entered an Order Approving Plan for Further Administration and Subsequent Distributions of Settlement ("Subsequent Distribution Order") on December 13, 2022.

The distributions authorized by the Subsequent Distribution Order have occurred, and the Settlement Administrator and the parties have identified additional steps that could be taken to improve eligible Class Members' realization of the cash benefits. The parties' Motion is addressed to those matters.

### **Distribution Results**

The initial distribution in November 2020 consisted of Dominion's \$320 million payment and Santee Cooper's initial \$65 million payment and was made by either paper check or a bill credit issued by Santee Cooper or one of the Electric Cooperatives. That distribution resulted in 458,131 uncashed settlement checks totaling \$26,227,860 and 73,779 checks totaling \$4,574,032

that were undeliverable because the Settlement Administrator was not able to obtain a valid address.

The second distribution occurred pursuant to the Subsequent Distribution Order. Between February 21, 2023, and August 20, 2024, the Settlement Administrator disbursed 1,304,924 checks valued at \$147,535,128.37, including numerous check reissues made at the request of Class Members. Santee Cooper and the Electric Cooperatives successfully issued 253,166 bill credits valued at \$14,586,248.64. In total, the combined check and bill credit distribution effort resulted in 1,558,090 Class Member payments valued at \$162,121,377.01.

As of October 1, 2024, a total of 1,007,587 Class Members successfully claimed \$135,671,971.24 (83.69% of disbursed funds) in check and credit payments through the diligent efforts of the parties and the Settlement Administrator. However, a sizable number of checks were not cashed or were undeliverable because the Settlement Administrator was not able to obtain a valid address. As of March 17, 2025 the outstanding balance of the 550,414 uncashed settlement checks totals \$26,467,934.65.

### **Proposed Additional Distribution Steps**

The parties request an order authorizing the following steps to try to maximize eligible Class Members' realization of cash benefits consistent with the language and intent of the Settlement Agreement and Amended Final Approval Order:

1. Class Members with valid email addresses who are owed \$2000.00 or less will be given the opportunity to receive digital payment securely, anywhere, on any device through the EpiqPay digital payment platform.<sup>1</sup> The total amount eligible for

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<sup>1</sup> The EpiqPay digital payment platform "offers an easy, convenient, fast and secure payment distribution method to claimants while lowering settlement distribution costs . . ." <https://www.epiqglobal.com/en-us/technologies/epiqpay>.

- distribution via EpiqPay is \$5,818,920.57, and the total Class Members eligible for payment are 102,175.
2. Class Members with valid email addresses who are not eligible for EpiqPay will receive one or more email notices from the Settlement Administrator encouraging them to request a check reissue. These Class Members will be informed that this is their last chance to receive their funds. These email notices will go to 3,023 Class Members owed an aggregate amount of \$714,686.60.
  3. Class Members without valid email addresses owed \$100.00 or more will receive one or more phone calls from the Settlement Administrator encouraging them to request a check reissue. These Class Members will be informed that this is their last chance to receive their funds. These phone calls will be made to 456 Class Members owed an aggregate amount of \$122,032.57.

### **Conclusion**

The Court finds the parties' proposed final administration steps to be reasonable and **ORDERS** as follows:

1. Class Members with valid email addresses and owed \$2000.00 or less shall be offered digital payment via EpiqPay.
2. Class Members with valid email addresses but not eligible for EpiqPay shall receive email notices encouraging them to request a reissue.
3. Class Members without valid email addresses and owed more than \$100.00 shall receive telephone outreach encouraging them to request a reissue.
4. Class Members who receive a check reissue but do not timely cash their check will be subject to the Settlement Agreement's unclaimed funds provisions.

5. All distribution efforts shall begin within 60 days of this Order. Digital disbursements shall be completed within four months of their commencement.

IT IS FURTHER ORDERED that all funds remaining after completion of the approved distribution efforts shall be deemed unclaimed and distributed in accordance with Rule 23(e)(2), SCRCP, as follows: 50% to the South Carolina Bar Foundation to support activities and programs that promote access to the civil justice system for low income residents of South Carolina and 50% to charitable organizations providing energy assistance to low income residents of South Carolina. Class Counsel shall consult with this Court regarding proposed recipients.

**AND IT IS SO ORDERED.**

***[JUDGE'S ELECTRONIC SIGNATURE PAGE TO FOLLOW]***



## Greenville Common Pleas

**Case Caption:** Jessica S Cook vs. Santee Cooper , defendant, et al

**Case Number:** 2019CP2306675

**Type:** Order/Other

So Ordered

Jean H. Toal