

From: Matthew T. Richardson <MRichardson@wyche.com>  
To: Catone, TonyTony.Catone@dss.sc.gov  
Pisarik, HollyHollyPisarik@gov.sc.gov  
Becky Laffitteblaffitte@sowellgray.com  
Monty ToddmTodd@sowellgray.com  
Whittle, AmandaAmanda.Whittle@dss.sc.gov  
Butch BowersButch@ButchBowers.com  
Ira Lustbaderilustbader@childrensrights.org  
Kate Woodkwood@childrensrights.org  
Stephen SuggsSSuggs@scjustice.org  
Sarah Cox Wagnerswagner@wyche.com  
CC: Matthew T. RichardsonMRichardson@wyche.com  
Date: 6/2/2016 5:57:43 PM  
Subject: RE: Draft Email Re: Conditions for Arbitration

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This looks fine. Do you want me to send it or will you? Thank you, Matthew



Matthew T. Richardson | Wyche  
801 Gervais St, Suite B | Columbia, SC 29201  
Phone: (803) 254-6542 | Fax: (803) 254-6544  
mrichardson@wyche.com | www.wyche.com/mrichardson | vCard

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From: Catone, Tony [mailto:Tony.Catone@dss.sc.gov]  
Sent: Thursday, June 02, 2016 4:41 PM  
To: Matthew T. Richardson; Pisarik, Holly; Becky Laffitte; Monty Todd; Whittle, Amanda; Butch Bowers; Ira Lustbader; Kate Wood; Stephen Suggs; Sarah Cox Wagner  
Subject: Draft Email Re: Conditions for Arbitration

Dear Counsellors,

The following email is proposed as a jointly-agreed communication to Judge Duffy regarding arbitration:

Dear Judge Duffy:

The Parties hereby agree to the following conditions for Arbitration of the Attorney's Fees in this matter:

1. For fees and expenses up through the date of final approval by the Court of this Agreement, the parties agree to submit the issue of fees to final and binding arbitration by the Mediator, Senior U.S. District Judge P. Michael Duffy, as the sole Arbitrator. Under a confidential arbitration process, the parties agree to submit, on or before Wednesday, June 8, 2016, the Plaintiffs' last demand and the Defendants' last offer, along with any supplemental briefing on the issue of fees and expenses, to the Arbitrator, who will award either Plaintiffs' last demand or the Defendants' last offer to the Plaintiffs as reasonable fees and expenses up through the date of final approval of this Agreement.
2. The parties agree that the payment of the amount of fees and expenses ordered by the Arbitrator and the Court shall be as follows:
  - One-third (1/3) of the total fees and expenses ordered shall be due on July 15, 2016
  - One-third (1/3) of the total fees and expenses ordered shall be due on July 15, 2017

One-third (1/3) of the total fees and expenses ordered shall be due on July 15, 2018

3. The amount of reasonable fees and expenses awarded by the Arbitrator will be issued in a public Arbitration Award, which may be entered by the Court as a judgment if necessary and will be incorporated into the final Settlement Agreement.

With kind regards,

Tony

Anthony S. H. Catone  
General Counsel  
South Carolina Department of Social Services

Office of General Counsel  
P.O. Box 1520  
Columbia, SC 29202-1520

Office Phone: (803) 898-7368  
Fax: [803-898-7245](tel:803-898-7245)  
Email: [tony.catone@dss.sc.gov](mailto:tony.catone@dss.sc.gov)

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Thank you.  
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