

**From:** Monty Todd <mtodd@sowellgray.com>  
**To:** Matthew T. RichardsonMRichardson@wyche.com  
**CC:** Robin Owensrowens@sowellgray.com  
Becky Laffitteblaffitte@sowellgray.com  
Pisarik, HollyHollyPisarik@gov.sc.gov  
Catone, TonyTony.Catone@dss.sc.gov  
**Date:** 6/3/2016 9:45:20 AM  
**Subject:** RE: Final S.A in Word and Draft PR

---

Matthew You in? If so, I will just walk down to your office and sign the documents I need sign on behalf of DSS.

---

**From:** Matthew T. Richardson [mailto:MRichardson@wyche.com]  
**Sent:** Friday, June 3, 2016 8:26 AM  
**To:** Becky Laffitte <blaffitte@sowellgray.com>  
**Cc:** Catone, Tony <Tony.Catone@dss.sc.gov>; Pisarik, Holly <HollyPisarik@gov.sc.gov>; Monty Todd <mtodd@sowellgray.com>; Whittle, Amanda <Amanda.Whittle@dss.sc.gov>; Butch Bowers <Butch@ButchBowers.com>; Ira Lustbader <ilustbader@childrensrights.org>; Kate Wood <kwood@childrensrights.org>; Stephen Suggs <SSuggs@scjustice.org>; Sarah Cox Wagner <swagner@wyche.com>; Cricket Rawls <crawls@wyche.com>  
**Subject:** RE: Final S.A in Word and Draft PR

Thank you very much. We have everything we need, I believe, except the signatures. Please get those to us first thing this morning, including the attorneys signatures on the joint motion. Thanks, Matthew

----- Original message -----

**From:** Becky Laffitte <blaffitte@sowellgray.com>  
**Date:** 6/3/16 6:25 AM (GMT-05:00)  
**To:** "Matthew T. Richardson" <MRichardson@wyche.com>  
**Cc:** "Catone, Tony" <Tony.Catone@dss.sc.gov>, "Pisarik, Holly" <HollyPisarik@gov.sc.gov>, Monty Todd <mtodd@sowellgray.com>, "Whittle, Amanda" <Amanda.Whittle@dss.sc.gov>, Butch Bowers <Butch@ButchBowers.com>, Ira Lustbader <ilustbader@childrensrights.org>, Kate Wood <kwood@childrensrights.org>, Stephen Suggs <SSuggs@scjustice.org>, Sarah Cox Wagner <swagner@wyche.com>, "Matthew T. Richardson" <MRichardson@wyche.com>  
**Subject:** Re: Final S.A in Word and Draft PR

Good morning Matthew

it is our understanding that Tony will secure Director Alford's signature this morning as agreed. We thank you for memorializing the arbitration terms and sending to Judge Duffy, as well as revising the final Settlement Agreement. Best, Becky

Sent from my iPad

On Jun 2, 2016, at 7:15 PM, "Matthew T. Richardson" <MRichardson@wyche.com> wrote:

Thank you all very much. Attached is the final Final Settlement Agreement in Word, in case you want it.

Plaintiffs' draft press release is also attached. Please send us your draft release and any suggestions for ours (and obviously do not circulate).

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

---

From: Catone, Tony [<mailto:Tony.Catone@dss.sc.gov>]  
Sent: Thursday, June 02, 2016 6:16 PM  
To: Becky Laffitte  
Cc: Matthew T. Richardson; Pisarik, Holly; Monty Todd; Whittle, Amanda; Butch Bowers; Ira Lustbader; Kate Wood; Stephen Suggs; Sarah Cox Wagner; Carenn Moore; Robin Owens  
Subject: Re: Draft Email Re: Conditions for Arbitration

Matthew I think if you will send to Judge Duffy on behalf of the Plaintiffs I think everyone else can affirm the communication / conditions and we'll be good to go.

Thank you,

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  
Email: [tony.catone@dss.sc.gov](mailto:tony.catone@dss.sc.gov)

Privacy Notice: This message may contain information that is protected from disclosure by federal and/or state law, or is otherwise privileged or confidential. This communication is intended only for the use of the individual or entity to whom it is addressed. If you are not the intended recipient or the employee or agent responsible for delivering this message to the recipient, you are hereby notified that any dissemination, distribution, or copying of this message is strictly prohibited and violations of applicable federal and/or state law may subject you to civil and/or criminal penalties. If you have received this message in error, please notify the sender immediately by telephone and delete this message.

On Jun 2, 2016, at 6:02 PM, Becky Laffitte <[blaffitte@sowellgray.com](mailto:blaffitte@sowellgray.com)> wrote:

Matthew:

I'll let Tony respond for DSS. However, I think you would be the appropriate person to send to Judge Duffy. Thanks to all Becky

---

From: Matthew T. Richardson [<mailto:MRichardson@wyche.com>]  
Sent: Thursday, June 2, 2016 5:58 PM  
To: Catone, Tony <[Tony.Catone@dss.sc.gov](mailto:Tony.Catone@dss.sc.gov)>; Pisarik, Holly <[HollyPisarik@gov.sc.gov](mailto:HollyPisarik@gov.sc.gov)>;

Becky Laffitte <[blaffitte@sowellgray.com](mailto:blaffitte@sowellgray.com)>; Monty Todd <[mtodd@sowellgray.com](mailto:mtodd@sowellgray.com)>; Whittle, Amanda <[Amanda.Whittle@dss.sc.gov](mailto:Amanda.Whittle@dss.sc.gov)>; Butch Bowers <[Butch@ButchBowers.com](mailto:Butch@ButchBowers.com)>; Ira Lustbader <[ilustbader@childrensrights.org](mailto:ilustbader@childrensrights.org)>; Kate Wood <[kwood@childrensrights.org](mailto:kwood@childrensrights.org)>; Stephen Suggs <[ssuggs@scjustice.org](mailto:ssuggs@scjustice.org)>; Sarah Cox Wagner <[swagner@wyche.com](mailto:swagner@wyche.com)>  
Cc: Matthew T. Richardson <[MRichardson@wyche.com](mailto:MRichardson@wyche.com)>  
Subject: RE: Draft Email Re: Conditions for Arbitration

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](mailto:mrichardson@wyche.com) | [www.wyche.com/mrichardson](http://www.wyche.com/mrichardson) | [vCard](#)

---

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  
Email: [tony.catone@dss.sc.gov](mailto:tony.catone@dss.sc.gov)

Privacy Notice: This message may contain information that is protected from disclosure by federal and/or state law, or is otherwise privileged or confidential. This communication is intended only for the use of the individual or entity to whom it is addressed. If you are not the intended recipient or the employee or agent responsible for delivering this message to the recipient, you are hereby notified that any dissemination, distribution, or copying of this message is strictly prohibited and violations of applicable federal and/or state law may subject you to civil and/or criminal penalties. If you have received this message in error, please notify the sender immediately by telephone and delete this message.

-----  
This e-mail may contain privileged or confidential information.  
If the e-mail was not intended for you, please:  
(i) delete the e-mails and any attachments  
(ii) destroy any copies that may have been made  
(iii) do not use, copy or distribute the contents in any form  
(iv) notify the sender by return e-mail or by calling 864-242-8200.  
No privilege is waived by inadvertent transmission.  
Thank you.  
-----

-----  
This e-mail may contain privileged or confidential information.  
If the e-mail was not intended for you, please:  
(i) delete the e-mails and any attachments  
(ii) destroy any copies that may have been made  
(iii) do not use, copy or distribute the contents in any form  
(iv) notify the sender by return e-mail or by calling 864-242-8200.  
No privilege is waived by inadvertent transmission.  
Thank you.  
-----

<SC PR DRAFT 06 02 16 for state.docx>

<Final Settlement Agreement 06 02 2016.docx>

-----  
This e-mail may contain privileged or confidential information.  
If the e-mail was not intended for you, please:  
(i) delete the e-mails and any attachments  
(ii) destroy any copies that may have been made  
(iii) do not use, copy or distribute the contents in any form  
(iv) notify the sender by return e-mail or by calling 864-242-8200.  
No privilege is waived by inadvertent transmission.  
Thank you.  
-----