

From: Matthew T. Richardson <MRichardson@wyche.com>

To: Catone, TonyTony.Catone@dss.sc.gov

Becky Laffitteblaffitte@sowellgray.com

CC: Pisarik, HollyHollyPisarik@gov.sc.gov

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

Matthew T. RichardsonMRichardson@wyche.com

Date: 6/2/2016 7:15:10 PM

Subject: RE: Final S.A in Word and Draft PR

Attachments: SC PR DRAFT 06 02 16 for state.docx

Final Settlement Agreement 06 02 2016.docx

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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

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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 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

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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

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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

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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  
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