

From: [Pisarik, Holly](#)
To: [Patel, Swati <SwatiPatel@gov.sc.gov>](#)
Date: 1/4/2016 12:14:08 PM
Subject: FW:
Attachments: [2015-12-31 Litig. Retention Agr. \(MOX\) \(FINAL\).pdf](#)
[2015-12-31 Litig. Retention Agr. \(MOX\) \(FINAL\).docx](#)

Here are the highlights:

Scope: Legal representation arising from the U.S Department of Energy's failure to meet statutory milestones for the disposition of radioactive material at the Savannah River Site (would need to be broadened if consider injunction)

Term: Through Jan 4, 2019

Payment for Suit Brought by AG:

- No compensation of any kind for any services rendered unless the State receives a settlement or judgment in connection with litigation.
- Compensated from litigation's gross recovery less AG's reimbursement for costs and expenses, Special Counsel's reimbursement for costs and expenses, and hourly rate to Special Counsel in the event of a suit against the State.
- After deductions, compensated at following percentages: First 0 – 25 million – 21%; 25.01 – 50 million – 18%; 50.01 to 75 million – 15%; 75.01 – 100 million – 13% (percentages go up in the event of an appeal)
- In the event of an early settlement, fees are one-half of the above percentages

Payment in the event State is sued:

- Paid at an hourly rate to defend the suit out of litigation proceeds (\$190-\$100 per hour depending on years of experience)

Special Counsel Expenses:

- Special Counsel advances all costs, expenses and disbursements and is to be reimbursed out of litigation's recovery

From: Bob Cook [<mailto:BCook@scag.gov>]
Sent: Monday, January 04, 2016 11:06 AM
To: Patel, Swati; Pisarik, Holly
Subject: FW:

Here is our agreed to Retention Agreement for the MOX case for your review. Bob

Robert D. Cook
Solicitor General
S.C. Attorney General's Office
P.O. Box 11549
Columbia, S.C. 29211
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F: 803-734-3524

From: Randy Lowell [<mailto:RLowell@Willoughbyhoefer.com>]
Sent: Monday, January 04, 2016 9:41 AM
To: Bob Cook
Subject:

Randolph R. Lowell, Esquire
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