

From: Pisarik, Holly <HollyPisarik@gov.sc.gov>
To: Randy Lowell <RLowell@Willoughbyhoefer.com>
Date: 4/29/2016 6:58:04 AM
Subject: Re:

Thanks for the update.

Sent from my iPhone

On Apr 28, 2016, at 2:43 PM, Randy Lowell <RLowell@Willoughbyhoefer.com> wrote:

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Attached is the reply of the Southern Carolina Alliance to the opposition to the motion to intervene.

Aside from the ludicrous assertion that the State of South Carolina referenced in the federal statute does not mean the body politic of the State of South Carolina but rather the general population at large, they also assert the economic and impact assistance payments are not fines or penalties. This argument actually hurts not just the State but the Alliance's end goal of getting money, because that just plays right into DOE's hands that this should be filed in the Court of Federal Claims. This is why I wanted to keep them out – they don't play the long game or see how the pieces fit together. That argument could hurt the State's case, since it dovetails with the Feds' arguments. But it is what it is now.

We are preparing a response to motion to dismiss, where we will actually argue the fines and penalties issue as part of the grounds for keeping jurisdiction here in district court. That is due May 12.

Randy

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<2016-04-28 SCRDA Reply to State Response to Mot. to Intervene.pdf>