

STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

Jessica S. Cook, Corrin F. Bowers & Son, Cyril B. Rush, Jr., Bobby Bostick, Kyle Cook, Donna Jenkins, Chris Kolbe, and Ruth Ann Keffer, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

South Carolina Public Service Authority, an Agency of the State of South Carolina (also known as Santee Cooper); W. Leighton Lord, III, in his capacity as chairman and director of the South Carolina Public Service Authority; William A. Finn, in his capacity as director of the South Carolina Public Service Authority; Barry Wynn, in his capacity as director of the South Carolina Public Service Authority; Kristofer Clark, in his capacity as director of the South Carolina Public Service Authority; Merrell W. Floyd, in his capacity as director of the South Carolina Public Service Authority; J. Calhoun Land, IV, in his capacity as director of the South Carolina Public Service Authority; Stephen H. Mudge, in his capacity as director of the South Carolina Public Service Authority; Peggy H. Pinnell, in her capacity as director of the South Carolina Public Service Authority; Dan J. Ray, in his capacity as director of the South Carolina Public Service Authority; David F. Singleton, in his capacity as director of the South Carolina Public Service Authority; Jack F. Wolfe, Jr., in his capacity as director of the South Carolina Public Service Authority; Central Electric Power Cooperative, Inc.; Palmetto Electric Cooperative, Inc.; South Carolina Electric & Gas Company; SCANA Corporation, SCANA Services, Inc.,

Defendants.

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

CASE NO. 2019-CP-23-06675

NOTICE OF FILING
EXPERT OPINION OF
INDEPENDENT COUNSEL
REGARDING
S.C. PUBLIC SERVICE
AUTHORITY'S
COMPLIANCE WITH THE
COOK SETTLEMENT

Defendant South Carolina Public Service Authority (also known as Santee Cooper) gives notice of filing the Expert Opinion of Independent Counsel regarding compliance with the *Cook* settlement.

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Attorneys for South Carolina Public Service Authority

Columbia, South Carolina

April 30, 2026

EXPERT OPINION

Re: *Cook v. Santee Cooper*, Case No. 2017-CP-25-348, 2019-CP-23-06675, in the Court of Common Pleas, Thirteenth Judicial Circuit, Greenville County, South Carolina

We have been asked by the South Carolina Public Service Authority (Santee Cooper) to provide an independent expert opinion to assess the benefits to the Class from Santee Cooper's compliance with the Settlement Agreement and Release (Settlement Agreement)¹ in the above-referenced case over the past six years. This Expert Opinion analyzes the *Cook v. Santee Cooper, South Carolina Public Service Authority 2025 Annual Compliance Report* (2025 Compliance Report).

We are competent, due to our qualifications and professional experience, to provide opinions on these questions. We collaborated on this report to leverage the widest array of our experiences. We give this legal opinion so that it may be submitted to the Court of Common Pleas in this settled class-action suit. We are aware of the provisions of criminal law regarding perjury, and our expert opinion, as signed below, will be regarded the same as testimony under oath, subject to the penalty of perjury.

Our opinions are based on the materials identified below and on our research and analysis of the information we have been provided and have independently obtained. Our opinions are subject to amendment or supplementation as warranted.

We understand that Santee Cooper has an annual obligation to give the Court a compliance report, and we will update our opinions accordingly as the implementation of the Settlement Agreement progresses.

Our Background and Qualifications

Wallace B. Jefferson

I am a named partner of the law firm Alexander Dubose & Jefferson LLP, in Austin, Texas, USA. Before joining the firm, I was the 26th Chief Justice of the Supreme Court of Texas, the highest civil court in the State of Texas. Texas Governor Rick Perry appointed me to the Supreme Court in 2001 and named me Chief Justice in 2004. I was elected to both positions by the people of Texas and served on the Court until October 2013.

I have been recently elected as the 11th President of the American Law Institute and will be installed in that position at the conclusion of the Institute's Annual Meeting in May, 2026. ALI is devoted to producing scholarly work to clarify, modernize, and improve the law. I have also served ALI as the Treasurer and a member of the Council.

¹ The Settlement Agreement is "Exhibit A" to the *Order Granting Preliminary Approval of Class Action Settlement and Continuing Stay of Pre-Trial Proceedings* at 6-7, in *Jessica S. Cook v. S. Carolina Pub. Serv. Auth.*, No. 2019-CP-23-06675 (Ct. Com. Pleas, Greenville, Mar. 17, 2020).

I served as president of the Conference of Chief Justices, an association of chief justices from the 50 states comprising the United States of America and the U.S. territories. While serving in that role, I gave a presentation to the Network of the Presidents of the Supreme Judicial Courts of the European Union, held at the European University Institute in Florence, Italy, about applying the rule of law among independent sovereigns. At the invitation of Chief Justice John Roberts of the Supreme Court of the United States, I served on the federal Judicial Conference Standing Committee on Rules of Practice and Procedure. I have also served on the Board of Advisors of the Justice Sandra Day O'Connor Judicial Selection Initiative. I am an elected member of the Philosophical Society of Texas and the American Academy of Appellate Lawyers. My CV is attached as Exhibit 1.

I graduated from the James Madison College at Michigan State University in 1985 and from the University of Texas School of Law in 1988. I have been a member of the State Bar of Texas since 1988. I have been certified in civil appellate law by the Texas Board of Legal Specialization since 1993.

During my tenure on the Supreme Court of Texas, I reviewed and voted on more than ten thousand petitions for review and mandamus petitions. The Court issued approximately 1,900 opinions during that time, and I participated in all of them, other than the few instances in which I voluntarily recused myself due to a possible conflict of interest. I authored 99 majority opinions, as well as numerous concurrences, dissents, and per curiam opinions.

While on the Supreme Court of Texas, I participated in numerous cases involving issues affecting public utilities. Since returning to private practice, I have represented a variety of industry stakeholders in litigation before the United States Court of Appeals for the Fifth Federal Circuit, the Supreme Court of Texas and other Texas courts—and my clients have included utilities, utility customers, and the Texas electric grid operator, the Electric Reliability Council of Texas—in a wide range of issues affecting the provision of and payment for utility services. Before becoming a judge, I practiced law at the San Antonio, Texas, USA, law firm of Groce, Locke & Hebdon from 1988 to 1991, and then at my own San Antonio appellate boutique firm, Crofts, Callaway & Jefferson, from 1991 until my appointment to the Supreme Court of Texas in 2001. My practice focused primarily on appellate matters, resulting in more than sixty reported appellate decisions, including two favorable decisions from cases I argued in the Supreme Court of the United States. I have also served as an expert witness on attorney's fees regarding a case argued in the Supreme Court of the United States and have been an expert witness on various issues of Texas law in proceedings in Israel. At Alexander Dubose & Jefferson, I have appeared dozens of times before intermediate appellate courts, the Texas Supreme Court, and the United States Court of Appeals for the Fifth Circuit.

Marcy Hogan Greer

I am the managing partner at the law firm Alexander Dubose & Jefferson LLP, in Austin, Texas, USA. I have been a partner with Alexander Dubose & Jefferson LLP since January 2014. Prior to that time, I was an equity partner with Norton Rose Fulbright (US) LLP, having practiced with that firm for almost twenty years. Before joining Norton Rose Fulbright, I clerked for the Honorable Carolyn Dineen King of the U.S. Court of Appeals for the Fifth Circuit.

I was licensed to practice law in 1990, and the majority of my practice has been concentrated in complex litigation and appellate law. I have been certified in civil appellate law by the Texas Board of Legal Specialization since 1997. I am also an elected member of the American Law Institute and a Fellow of the American Academy of Appellate Lawyers.

I have been admitted to practice before the U.S. Supreme Court, the Supreme Court of Texas, all of the U.S. circuit courts of appeal (except for the Sixth and D.C. Circuits), and all of the federal district courts in Texas, as well as the Northern District of Florida. I have been admitted to practice pro hac vice in individual cases before state and federal courts throughout the country where my expertise was utilized, particularly those involving class actions and mass torts.

I have negotiated, drafted, and implemented dozens of class-action and complex, mass-tort settlements. One example of such a settlement agreement and implementation was in *Texas v. Farmers*, No. GV-202501, in the 261st District Court of Travis County, Texas. Texas sued Farmers Group, Inc., and a number of corporate-related insurers on behalf of a class of millions of Texas policyholders, claiming that the insurers charged excessive rates for homeowner policies between 1999 and 2003, had improperly used credit scores and risk assessments in determining premiums, and failed to provide adequate notices under the Fair Credit Reporting Act to both homeowners and automobile policyholders. The case was settled with three sub-classes and a complex combination of remedies. After an unsuccessful seven-year appeal by certain objectors,² the parties had to renegotiate certain terms of the settlement agreement, and the trial court approved the amended settlement agreement that I helped negotiate and drafted. Full implementation of the *Farmers* settlement took several years, which I oversaw as outside counsel. In addition, I have been the lead settlement counsel in negotiating, drafting, and implementing a variety of class-action, mass-tort, and other complex settlements.

I am the National Editor of the American Bar Association's two-volume book, *A PRACTITIONER'S GUIDE TO CLASS ACTIONS* (1st ed. 2010; 2d ed. 2017, 3d ed. 2021). I have handled and consulted on a wide variety of class actions, including pharmaceutical products, insurance, environmental, consumer, food and alcohol labeling, securities, and employment matters. My current CV is attached as Exhibit 2.

Our Work in this Matter

We were retained as experts to testify regarding Santee Cooper's compliance with Sections IV.A and IV.B of the Settlement Agreement. In connection with our work, we performed the following:

- (a) We reviewed the Settlement Agreement, the Amended Final Order and Judgment (Judgment), the live pleadings, and the motions and briefing related to the trial court's approval of the Settlement Agreement downloaded from the Court's official website;

² *E.g., Farmers Grp., Inc. v. Lubin*, 222 S.W.3d 417 (Tex. 2007); *Lubin v. Farmers Grp., Inc.*, No. 03-03-00374-CV, 2009 WL 3682602 (Tex. App.—Austin Nov. 6, 2009, no pet.).

- (b) We prepared and submitted an Expert Opinion for FYE 2020 that analyzed the initial implementation of the Settlement Agreement and other business activities of Santee Cooper during FYE 2020 relative to the Settlement Agreement;
- (c) We met and communicated with Santee Cooper's counsel multiple times over the course of the next five years following our first report to discuss the continuation of the settlement-implementation process during FYE 2021, FYE 2022, FYE2023, FYE2024, and FYE2025;
- (d) We have reviewed approximately 40,000 pages of documents received from Santee Cooper relating to the implementation of the Settlement Agreement, including annual reports, board packages and presentations, spreadsheets, emails and other correspondence, Act 90 materials, reports to and from the Office of Regulatory Staff (ORS) of South Carolina, customer bills, websites, and other materials;
- (e) Santee Cooper has agreed to continue our retention of Kevin M. Flaherty and Aaron Isch with the premier forensic accounting firm, Matson Driscoll & Damico LLP (MDD), to assist our review based on their extensive expertise and experience in utilities and finance;³
- (f) We conferred with MDD about what data, materials, and information would help us assess Santee Cooper's compliance with the Settlement Agreement;
- (g) We conferred with Messrs. Flaherty and Isch and had internal discussions about Santee Cooper's 2025 Compliance Report and all aspects of our 2025 Expert Opinion Expert Opinion, as well as our research, analysis, and conclusions that form the basis of it; and
- (h) Together with Messrs. Flaherty and Isch, we have met with numerous Santee Cooper representatives and consultants relating to myriad aspects of Santee Cooper's implementation of the Settlement Agreement. Santee Cooper has fully complied with all of our requests for documentation and to meet with its representatives and experts, and all of our questions have been answered to our satisfaction.

The Cook-Santee Cooper Settlement Agreement

We assume that the Court is familiar with our prior reports where we have detailed our understanding of the Settlement Agreement that ended the lengthy and extensive dispute over the failed construction of two nuclear reactors at the V.C. Summer site in Jenkinsville, South Carolina (Project), by South Carolina Electric & Gas n/k/a Dominion Energy Southeast Services, Inc. (Dominion) and Santee Cooper.⁴ The plaintiffs are direct and indirect utility customers who claimed that they were improperly charged for amounts related to the Project's construction.

The settlement provides two primary forms of relief for Santee Cooper's customers:

³ A copy of Mr. Flaherty's CV is attached as Exhibit 3, and Mr. Isch's CV is attached as Exhibit 4.

⁴ 2020 Expert Report (Apr. 22, 2021); 2021 Expert Report (Apr. 22, 2022); 2022 Expert Report (Apr. 28, 2023); 2023 Expert Report (Apr. 30, 2024); and 2024 Amended Expert Report (Apr. 30, 2025).

- a common benefit fund (Common Benefit Fund) for pro rata payments to the class members (§ IV.A); and
- a rate freeze consistent with the rates projected in Santee Cooper's 1995 Reform Plan spanning 2020 through the end of 2024 (Rate Freeze) (§ IV.B).

A. The Common Benefit Fund

The Common Benefit Fund was financed by co-defendant Dominion (\$320 million in common stock and cash) and Santee Cooper (\$200 million in three annual-installment payments of \$65, \$65, and \$70 million dollars) designed to return to the customers the alleged overcharges associated with the V.C. Summer nuclear-reactor Project.

We analyzed this aspect of Class compensation in our April 22, 2021, Expert Opinion (2021 Expert Opinion) and updated that report in our April 28, 2023, Expert Opinion (2022 Expert Opinion), and our April 30, 2024, Expert Opinion (2023 Expert Opinion). Santee Cooper has fully funded its obligation under this provision of the Settlement Agreement, providing the Class Members the promised \$200 million benefit.

B. The Rate Freeze

We have reported on Santee Cooper's compliance with the Rate Freeze in our prior Expert Opinions and incorporate those opinions by reference.

The Rate Freeze has benefitted class members by suspending Santee Cooper's rates "consistent with the rates projected in the Reform Plan, beginning in 2020 upon approval of the [Settlement] Agreement and extending through the end of 2024 (the 'Rate Freeze Period')." Settlement Agreement § IV.B. Santee Cooper continued the Rate Freeze until December 2024. On December 9, 2024, the Santee Cooper Board approved its first increase in base rates since 2017.

C. Exceptions to the Rate Freeze

With the valuable assistance of the Court as mediator, the parties negotiated "Exceptions" to the Rate Freeze to allow Santee Cooper to recover the costs of specified events. These Exceptions anticipated and provided for certain contingencies outside of Santee Cooper's control that might severely impair its ability to continue operations.

The Court approved the Exceptions, as well as the Settlement Agreement as a whole, ordered the Agreement's implementation, and retained jurisdiction to monitor compliance with the Settlement Agreement, including the Exceptions process. *See, e.g.*, Judgment at 32, 36-39; Settlement Agreement § IV.B.

Over the course of the last five years, a number of these Exceptions occurred, and Santee Cooper has both extensively reported on their circumstances and quantified their financial impact on its business, in its 2020-2023 Compliance Reports. Santee Cooper identified another \$238.5 million in costs incurred in 2024 resulting directly from Exceptions that had been reported in prior years and an estimated \$21.5 million for new Exceptions in 2024.

D. Resolution of Disputes Over the Exceptions

After a multi-year and extensive negotiation of disputes over these Exceptions, the parties resolved them by settlement agreement. *See Cook Settlement Disputes Resolution Agreement* (Feb. 25, 2025) (Exceptions Agreement). Under this agreement, Santee Cooper will recover \$550 million (Resolution Amount) that it has identified relating to: (1) the Sugar Camp Mine Fire and MSHA Order closing it; (2) the Executive Order and other actions related to the Russian-Ukraine War; and (3) accrued interest during the Rate Freeze period to finance the Exceptions. *Id.* ¶ 1.a.⁵ Santee Cooper retained its right to collect debt service on the Change in Law Effluent Limit Guidelines (ELG) by the EPA but otherwise relinquished its rights to other identified Exceptions. *Id.* ¶ 1.b & c.

Rather than attempt to collect the entire amount in a single year, the Parties agreed that Santee Cooper should recover the Recovery Amount over the course of 14.5 years, issuing debt in the interim. *Id.* ¶ 3.a. The Parties agreed that the costs of this recovery and financing would be allocated 65.4% to Central and 34.6% to Santee Cooper's other customers. *Id.* ¶ 3.d. The "Cook Charge" through which the debt service would be collected also includes a contribution to the Central Improvement Fund (CIF) at 8%, payments to the State of South Carolina, and amounts in lieu of taxes on the debt service. *Id.* ¶ 3(b). As further consideration for the Exceptions Resolution Agreement, Santee Cooper agreed to transfer \$11.5 million from the revenue fund into the CIF by December 31, 2025. *Id.* ¶ 1(d). It also agreed that it would transfer to the CIF any payments or reimbursements for identified Exceptions it received after the Rate Freeze Period.

To lessen the total costs on Santee Cooper's customers, the Court reduced to 10 the number of years for which Santee Cooper will recover this amount. Otherwise, the Court approved the Exceptions Resolution Agreement. *See Order Approving Cook Settlement Disputes Resolution Agreement* (June 10, 2025) at 16-18.⁶

E. Class Members' Benefits From the Settlement Agreement

The Class has already received \$200 million from Santee Cooper in the form of the Common Benefit Fund.

The Rate Freeze has also significantly benefited the Class Members and Central over the past five years. In 2020, Class Counsel predicted that the Rate Freeze would provide Class Members \$510 million in future relief. *See Affidavit of John R. Alphin* ¶ 7 (May 13, 2020), Ex. 2 to *Class Counsel's Application for Reimbursement of Expenses and a Contingency Fee Award*. The Rate Freeze has benefited both the Class Members and Central more appreciably because

⁵ Collectively, these amounts are defined in the Exceptions Agreement as the "Recovery Amount." Exceptions Agreement ¶ 3.a.

⁶ The Order is a matter of public record on the Court's docket: <https://www2.greenvillecounty.org/SCJD/PublicIndex/PIImageDisplay.aspx?ctagency=23002&doctype=D&docid=1749564613388-784&HKey=79100678311680121887250727757119858611051107531034810889431047410512010110171120985675121110117855449107> (last visited Apr. 27, 2026).

utility rates for Santee Cooper's competitors have increased significantly since the Settlement Agreement was approved, yet the Class Members' and Central's rates have remained frozen for four and a half years. *See* 2025 Amended Expert Report at 9-10.

The \$550 million Recovery Amount that Santee Cooper will receive—in compensation for its more than \$976.9 million in costs incurred from Exceptions during the Rate Freeze Period—does not impact the benefits the Class Members have already received from the 2020 Settlement Agreement. The parties carved these Exceptions out of the rates established in 2020-2024, and without the Exceptions Agreement, Santee Cooper, Central, and the Class would be plunged back into costly litigation regarding Santee Cooper's right to recover them and, if so, to what extent. Those proceedings would likely be protracted, as illustrated by the lengthy and complex post-settlement motions practice and settlement negotiations the parties have already endured. And Santee Cooper would have been entitled to pursue a higher percentage of its almost \$1 billion costs from its customers. The benefit of the Exceptions Agreement is the certainty it affords both the Class Members and Santee Cooper.

As it agreed, Santee Cooper adjusted the balance of its regulatory asset to \$550 million as of December 21, 2024. *See* 2025 Compliance Report at 12-13 & Exhibit I.⁷ Santee Cooper then recorded \$12.5 million for interim interest for the period from January 1, 2025 through June 30, 2025, in accordance with the Exceptions Resolution Agreement, increasing the Cook Exceptions regulatory asset to \$562.5 million. *See* 2025 Annual Report at 45. Santee Cooper started the amortization of the regulatory asset in July 2025 and will continue to do so over the course of the 10-year period the Court ordered. *See* 2025 Annual Report at 63.

Santee Cooper has also transferred \$11.5 million to the CIF, as well as \$1.9 million of reimbursed funds from FEMA and/or the State of South Carolina related to COVID and certain named storms, and a \$3.8 million reimbursement from Factory Mutual Insurance related to a catastrophic failure of a cross stack liner. *See* 2025 Compliance Report & Exhibits K-P. Some of these reimbursements were received in late 2025, and the funds were transferred to the CIF in early 2026.

Finally, we agree with Santee Cooper that there is no need to report further on whether its cost of service for costs were in excess of revenues during the Rate Freeze Period, Settlement Agreement IV.B, because Santee Cooper's costs did not exceed its revenues during the Rate Freeze Period, as we have recounted in each of our prior expert reports.

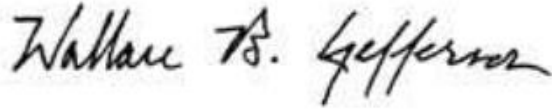
Based on the foregoing, we conclude that Santee Cooper has complied with its reporting and current obligations under the Settlement Agreement, which has provided substantial benefits to the Class Members and Central.

⁷ We have previously explained the role of the regulatory asset in our prior reports, incorporated by reference.

Respectfully submitted,



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April 30, 2026

EXHIBIT 1

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SUMMARY:

Wallace B. Jefferson is a partner at Alexander Dubose & Jefferson. Prior to joining the firm in 2013, he served as Chief Justice of the Supreme Court of Texas. Appointed to the Supreme Court in 2001 and named Chief Justice in 2004, Jefferson made Texas history as the Court's first African-American Justice and Chief Justice. He led the Court's efforts to fund access to justice programs; helped reform juvenile justice; and inaugurated a statewide electronic filing system for Texas courts. Jefferson was elected President of the Conference of Chief Justices, an association of chief justices from the 50 states and U.S. territories (2010-2011). In May 2026, he will become the 11th President of the American Law Institute since its founding in 1923.

Jefferson is a graduate of the James Madison College at Michigan State University and The University of Texas School of Law and is the namesake of Wallace B. Jefferson Middle School in San Antonio. He is an elected member of the American Academy of Appellate Lawyers, and Director of the Holdsworth Center, the Project on Government Oversight, and Lexitas. He has been certified in Civil Appellate Law by the Texas Board of Legal Specialization since 1993.

Jefferson is licensed to practice in the United States Supreme Court, the Supreme Court of Texas, the United States Court of Appeals for the Second Circuit, the United States Court of Appeals for the Fifth Circuit, and the United States Court of Appeals for the Federal Circuit. He has successfully argued two cases before the Supreme Court of the United States.

EDUCATIONAL BACKGROUND:

- B.A., James Madison College at Michigan State University, 1985
- J.D., University of Texas School of Law, 1988

PROFESSIONAL BACKGROUND:

- Chief Justice, Supreme Court of Texas, 2004-2013
- Justice, Supreme Court of Texas, 2001-2004
- Partner, Crofts, Callaway and Jefferson P.C., 1991-2001
- Associate, Groce, Locke and Hebdon P.C., 1988-1991

BOARD CERTIFICATION:

- Board certified in civil appellate law by the Texas Board of Legal Specialization, 1993 to present

PROFESSIONAL ACTIVITIES

- Brennan Center for Justice, State Court Report Advisory Board, 2023-present
- Office of American Possibilities, National Leadership Council for Frontline Justice, 2023-present

- Board of Trustees, Texas State History Museum Foundation, 2023-present
- Trusted Driver, Inc., Chief Community Officer, 2023-present
- American Bar Association, Task Force on Law, Society and the Judiciary, 2022-present
- Project on Government Oversight, Board, 2022-present
- Lexitas, Board of Directors, 2020-present
- American Law Institute, Member, 2001-present
 - Council Member, 2011-present
 - Executive Committee, 2014-present
 - Membership Committee, 2013-present
 - Executive Compensation Committee, 2014-present
 - Restatement Third, Law of Consumer Contracts, Adviser, 2012-present
 - Awards Committee, Chair, 2023-present
 - Principles of the Law, High Volume Civil Adjudication, Adviser
 - Treasurer, 2014-2023
 - Outreach Committee, 2011-2013
- Texas Commission on Judicial Selection, Chair, 2019-2021
- Texas 2036, Director, 2019-present
- American Academy of Appellate Lawyers, Fellow, 2018-present
- American Academy of Arts and Sciences, Commission on the Practice of Democratic Citizenship, Member, 2018 – present
- Federal Judicial Evaluation Committee, 2017-present
- Texas Commission to Expand Civil Legal Services, Chair, 2015-2017
- Holdsworth Center, Governing Board, 2015-present; Governance and Nominating Committee Chair, 2021
- Texas Historical Commission, Commissioner, 2015-2021
- Michigan State University College of Law, Board of Trustees, 2016-2019
- American Bar Association, Commission of the Future of Legal Services, 2014-2015
- University of Texas Law School Foundation, Board of Trustees, 2009-present; Chair of Communications Committee, 2014
- University of Texas Development Board, 2014-present
- Friends of the University Political Action Committee Board, The University of Texas at Austin, 2014-present
- Institute for the Advancement of the American Legal System, Justice Sandra Day O'Connor Judicial Selection Initiative, Board of Advisors, 2009-2020
- Federal Judicial Conference of the United States, Committee on Rules of Practice and Procedure, 2010-2014
- American Bar Foundation, Board of Directors, 2012-2014
- Conference of Chief Justices, President, 2010-2011; Amicus Brief Review Team, 2004-2013
- Legal Services Corporation, Pro Bono Task Force, 2011
- San Antonio Public Library Foundation, Director, 1997-2001
- Texas State Commission on Judicial Conduct, 1999-2001
- San Antonio Bar Association, President, 1998-1999
- William S. Sessions American Inn of Court, President, 1999-2000

- Alamo Area Big Brothers Big Sisters, Director, 1995-1999
- Supreme Court of Texas Advisory Committee

PROFESSIONAL HONORS AND AWARDS:

- Austin Appellate Lawyer of the Year, Best Lawyers in America 2023, 2026
- Chambers USA: America's Leading Lawyers for Business, 2015-2025
- Distinguished Lawyer Award, Austin Bar Association, 2020
- Presidential Citation Award, University of Texas, 2016
- Lifetime Achievement Award, Texas Lawyer, 2015
- Jurisprudence Award, Anti-Defamation League Austin, 2015
- Inaugural Wallace B. Jefferson Award, Texas Access to Justice Foundation, 2014
- J. Chrys Dougherty Good Apple Award, Texas Appleseed, 2014
- Chief Justice Jack Pope Professionalism Award, Texas Center for Legal Ethics, 2014
- Texan of the Year, Texas Legislative Council, 2014
- Outstanding Public Service Award, National Forum for Black Public Administrators, 2014
- Outstanding Texas Leader Award, John Ben Shepperd Public Leadership Institute, 2014
- MLK Association of Texas – Wallace B. Jefferson LSAT Prep Scholarship – 2014
- Texas Hero, Texas NAACP, 2013
- Distinguished Alumnus Award, University of Texas, 2013
- Lifetime Achievement Award, Texas Minority Council Program, 2013
- Morton A. Brody Distinguished Judicial Service Award, Colby College, 2012
- Namesake for Wallace B. Jefferson Middle School, San Antonio, 2007
- Outstanding Alumnus, Michigan State University, 2007
- Robert L. Hainsworth Outstanding Service Award, Houston Lawyer's Association, 2006
- Outstanding Alumnus, University of Texas School of Law, 2005
- Distinguished Alumnus, James Madison College, 2002
- President's Award, San Antonio Bar Association, 2001
- Outstanding Young San Antonian Distinguished Service Award, Rotary Club of San Antonio, 2000
- "Pillars of the Foundation Award, Northside Independent School District, 1999
- Outstanding Young Lawyer, San Antonio Lawyers Association, 1997
- "40 Under 40 Rising Stars," San Antonio Business Journal, 1996
- African American Lawyers Section of the State Bar of Texas – Chief Justice Wallace B. Jefferson Trailblazer Award

HONORARY DEGREES:

- J.D., Austin College, 2012
- J.D., University of New Hampshire School of Law, 2011
- J.D., Michigan State University, 2009
- J.D., Hofstra Law School, 2009
- J.D., Pepperdine University School of Law, 2006

PUBLICATIONS:

- Charlie Gonzalez & Wallace B. Jefferson, *Respecting Court Decisions is a Keystone to Democracy*, San Antonio Express-News (2025)
- *Supreme Court of Texas Unveils Portrait of Former Chief Justice Wallace B. Jefferson*, Texas Bar Journal, Vol. 87, No. 10 (2024)
- *Inheritance of Hope*, Judicature, Vol. 107, No. 2 (2023)
- Stephen I. Vladeck, Hon. Wallace B. Jefferson, and Robert Dubose, *COVID Mandates in the Supreme Courts of Texas and the United States*, The Advocate (Texas) 43 (Spring 2023)
- *The Constitution Imparts Responsibilities as Well as Rights*, Journal of the Texas Supreme Court Historical Society, Vol. 7, No. 4, pp. 21-25 (2018)
- *Reform the Partisan System*, 79 Tex. B.J. 90 (2016)
- *Reflections on the Principle of Stare Decisis from the Perspective of Judge and Advocate*, 73 The Advocate 9 (2015)
- *Foreword*, Texas Practitioner's Guide to Civil Appeals (2014)
- 19th Annual Justice William J. Brennan Lecture on State Courts and Social Justice, *Liberty and Justice for Some: How the Legal System Falls Short in Protecting Basic Rights*, 88 New York University Law Review 1953 (2013)
- William C. Vickrey, Douglas G. Denton & Wallace B. Jefferson, *Opinions as the Voice of the Court: How State Supreme Courts Can Communicate Effectively and Promote Procedural Fairness*, Court Review: The Journal of the American Judges Association, Vol. 48, Issue 3, pp. 74–85 (2012)
- *Recognizing and Combating the "School-to-Prison" Pipeline in Texas*, National Center for State Courts (2012)
- *Reform from Within: Positive Solutions for Elected Judiciaries*, 33 Seattle University Law Review 625 (2010)
- Chief Justice Wallace B. Jefferson & Rebecca Love Kourlis, *An Analysis of Accountability in Judicial Selection: Recounting the Peril of Straight Party Voting*, 53 The Advocate (Texas) 8 (2010)
- *Visions of Best Practices for Texas Courts*, 51 South Texas Law Review 1021 (2010)
- Op-Ed, *Why Not Elect Judges on Merit, Not Whim?*, Dallas Morning News (2009)
- Barbara Rodriguez Mundell & Wallace B. Jefferson, Executive Session for State Court Leaders in the 21st Century, *Herding Lions: Shared Leadership of State Trial Courts*, National Center for State Courts (2008)
- *Access to Justice*, 70 Texas Bar Journal 687 (2007)
- Wallace B. Jefferson, Gib Walton, & Larry Sager, *Thinking Like a (Pakistani) Lawyer*, Austin American Statesman (Dec. 7, 2007)
- *Legal Malpractice in Texas: Examining Selected Cases and Forecasting Future Trends*, 35 St. Mary's Law Journal 979 (2004)
- *Stare Decisis*, 8 Texas Review of Law and Politics 271 (2004)
- *State of the Judiciary*, 2005, 2007, 2009, 2011, 2013, all of which were published in the Texas Bar Journal

EXHIBIT 2



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mgreer@adjtlaw.com
Years in Practice: 36
Field of Practice: Appellate, Trial Collaboration, Complex Litigation,
Including class actions and mass torts
Hobbies: Cross-training, cooking, gardening, reading

MARCY HOGAN GREER is the Managing Partner of Alexander Dubose & Jefferson LLP, a nationally recognized appellate boutique firm. She has been acclaimed for her work in federal and state trial and appellate courts throughout the country. Ms. Greer received the 2021 Gregory S. Coleman Outstanding Appellate Lawyer Award from the Texas Bar Foundation, which honors Greg Coleman’s legacy to the appellate bar, requiring that the recipient demonstrate an outstanding appellate practice while maintaining a strong commitment to providing legal services for the underserved, dedication to mentoring young attorneys, and a strong moral compass to guide both professional and personal pursuits. She received the 2022 Pro Bono/Community Service Award from the University of Houston Law Center Alumni Association. Most recently, she will receive the 2024 Distinguished Lawyer Award from the Austin Bar Foundation. Her practice consistently includes class action and mass tort cases, including federal multidistrict litigation. This experience contributed to her recognition in *Chambers USA: America’s Leading Lawyers for Business* in Appellate Litigation—Texas; listing in *The Best Lawyers in America* in Appellate, Bet-the-Company, and Commercial Litigation; and selection as the “Lawyer of the Year” in 2016 and 2012 for Austin Appellate Practice and 2015 for Austin Bet-the Company Litigation. Ms. Greer also has been recognized as a Texas *Super Lawyer* for her appellate work since its inaugural list and has been repeatedly listed in the Top 100, Top 50 Women, and Top 50 Central Texas Lawyers recognized by that publication. Ms. Greer clerked for the Hon. Carolyn Dineen King, the former Chief Judge of the U.S. Court of Appeals for the Fifth Circuit in 1993–94. After her clerkship, Ms. Greer joined the law firm of Fulbright & Jaworski L.L.P. (now Norton Rose Fulbright US LLP), where she practiced for almost twenty years and was a partner for ten years. Ms. Greer has been board-certified in civil appellate law by the Texas Board of Legal Specialization since 1997. In addition, Ms. Greer has been a member of the State Bar Pro Bono College for almost all of her career, requiring at least 75 hours of pro bono work each year. Ms. Greer was elected to the American Law Institute and is a Fellow of the American Academy of Appellate Lawyers. She currently serves as the Chair of the American Bar Association’s Tort Trial and Insurance Practice Section and recently completed a six-year term on the Executive Committee of the Center for Women in Law. Ms. Greer chaired the Business Court and Fifteenth Court of Appeals Subcommittees for the Texas Supreme Court Advisory Committee in proposing rules for the two new courts. She continues to be active in the community as a Greenhill Fellow and former President of the Texas Supreme Court Historical Society; a member of the Oversight Board of the Texas Office of Capital and Forensic Writs; and served for 12 years as the Secretary and Board Member for Marathon Kids, Inc. Ms. Greer received her B.A. from Emory University and her J.D. from the University of Houston Law Center. She is a Lifetime Member of Girl Scouts USA and was a Troop Leader for five years. She designed, and was the original National Editor of, *A Practitioner’s Guide to Class Actions* (2010), as well as the 2012 supplement, and the second edition (2017). She is the National Co-Editor of the third edition, which was published in November 2021.

EXHIBIT 3



Kevin M. Flaherty | CPA, CVA | Partner

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Education

Babson College Bachelor of Science – Accounting – Wellesley, MA 1988

Position

Matson, Driscoll & Damico, LLP – (1988 – Present)

Current Role: COO Americas

Professional Experience

- > Extensive exposure to numerous industries including, but not limited to, paper and lumber, professionals, retail operations, hospitality, utilities, high technology, cannabis, healthcare, NIH grants etc.
- > Involved in hundreds of engagements involving the evaluation and quantification of damages, including lost profits, extra expenses, major construction costs, stock and contents, and employee theft/embezzlement. These damages have ranged in magnitude from under \$5,000 to in excess of \$300 million.
- > Involved in audit of reinsurance programs, including analysis of financial statements of insurance companies, holding companies and captives.
- > Involved in personal injury matters.
- > Assignments involving the tracking of funds such as ponzi scheme, fraud, employee dishonesty, in various businesses including broker dealers and other financial institutions.
- > Involved in the determination of the value of businesses for use in stockholder disputes divorce and other matters.
- > Involved in matters involving stock purchase/buy sell agreements.
- > Involved in partnership/shareholder disputes including analysis of internal financial reporting systems.
- > Involved in class action matters including damage evaluation, class certification and modeling
- > Involved in matters involving consumer actions and alleged deceptive marketing schemes
- > Involved in FNRA matters
- > Appointed Special Master in Massachusetts Superior court for the purpose of calculating the amounts due under various judgments involving partnership/shareholder disputes.
- > Worked directly with work out/problem loan units of commercial lending institutions to provide assurances as to collateral value, as well as the borrowing corporations abilities to meet immediate obligations, and generate short & long-term cash flows.
- > Retained on behalf of the insurance carrier or the insured/plaintiff in reference/arbitration cases, acting as either a referee/representative or umpire.
- > Retained in GM automotive dealership termination arbitrations as set forth by the United States Congress related to GM bankruptcy and Federal TARP funds.
- > Involved in the measurement of damages attributable to potential environmental contamination, including impact on use as collateral in refinancing.
- > Involved in the measurement of damages attributable to wrongful termination and sexual discrimination claims.
- > Involved in the measurement of damages arising from violation of the Lanham Act.
- > Retained as an expert witness in the area of accounting and damage evaluation, including admission as an expert witness in Federal court, as well as New Hampshire & Massachusetts Superior courts.
- > Involved in the measurement and evaluation of costs on major highway and tunnel construction and building construction costs.
- > Involved in multiple cases requiring the evaluation of financial condition of individuals and corporations in determination of a potential motive for arson.
- > Involved in numerous cases in a “litigation support” role including review and analysis of transcripts, preparation of inquiries of witnesses under oath and expert testimony, preparation of experts reports, assistance with all aspects of discovery including preparation of document responses and propounding document requests.
- > Speaker at various ABA meetings, law firms and insurance companies

EXHIBIT 4



Aaron Isch | CPA, CVA | Manager

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Position

Matson, Driscoll & Damico, LLP (2014 – Present)

Professional Experience

- > Involved in hundreds of engagements requiring the evaluation and quantification of economic damages, including lost earnings, lost profits, extra expenses, stock and contents, and employee theft & embezzlement with damages ranging in magnitude from under \$5,000 to in excess of \$1 billion.
- > Experience across a range of industries including construction, medical & dental, professional services, retail operations, utilities, manufacturing & mercantile, hotel & resort, automotive, real estate and restaurants.
- > Involved in workers compensation, personal injury and wrongful death engagements requiring the calculation of past and future lost earnings from individuals employed in a variety of industries.
- > Completed economic loss assessments in workers' compensation, personal injury and wrongful death matters involving past and future lost earnings for individuals in a wide range of occupations.
- > Prepared business valuations for shareholder disputes, marital dissolution matters and other non-litigation matters.
- > Performed fund tracing and financial reconstruction within complex organizational structures, including multi-national broker-dealers and financial institutions, in matters involving theft, fraud and employee dishonesty.
- > Analyzed lost profits and extra expenses arising from ransomware incidents and other cyberattacks.
- > Evaluated reinsurance programs, including the review of financial statements, premium bordereaux and loss run reports.
- > Assessed individuals' financial condition in matters where potential motivation for fraud required evaluation.
- > Prepared forensic audit and asset tracing in evaluation of claims brought against court-appointed receiver by bankruptcy trustee.
- > Examined construction costs and supporting records for major building projects.
- > Modeled and evaluated potential damages in class action matters.
- > Performed comprehensive litigation support activities, including reviewing transcripts, preparing lines of inquiry for sworn testimony, drafting document requests for discovery and preparing expert reports.

Certifications & Memberships

Certified Public Accountant
Certified Valuation Analyst

Education

2014 Master of Business Administration – Salve Regina University – Newport, Rhode Island
2013 Bachelor of Science with major in Accounting – Salve Regina University – Newport, Rhode Island

******* IMPORTANT NOTICE - READ THIS INFORMATION *******
NOTICE OF ELECTRONIC FILING [NEF]

A filing has been submitted to the court RE: 2019CP2306675

Official File Stamp: 04-30-2026 02:19:21 PM
Court: CIRCUIT COURT
Common Pleas
Greenville
Case Caption: Jessica S Cook vs. Santee Cooper , defendant, et al
Document(s) Submitted: Notice/Other
- Exhibit/Filing of Exhibits
Filed by or on behalf of: Allen Mattison Bogan

This notice was automatically generated by the Court's auto-notification system.

The following people were served electronically:

Jamie A. Khan for Jessica S Cook
Clayton B. McCullough for Jessica S Cook
J. Emory Smith, Jr. for State Of South Carolina, Ex Rel Wilson,
Attorney General
Margaret Nicole Fox for Steve Byrne
James L. Ward, Jr. for Jessica S Cook
Elizabeth Halligan Black for South Carolina Electric & Gas
James Mixon Griffin for Steve Byrne
Leah B. Moody for South Carolina Electric & Gas
J. Edward Bell, III for Jessica S Cook
Kevin Kendrick Bell for Central Electric Power Cooperative, Inc
Gabrielle Anna Sulpizio for Jessica S Cook
Donald Jay Davis, Jr. for Palmetto Electric Cooperative, Inc
William A. Coates for Jimmy Addison
Samuel W. Outten for Santee Cooper, South Carolina Public
Service Authority
Robert Yates Knowlton, Sr. for South Carolina Electric & Gas
Daniel A. Speights for Jessica S Cook
Michael A. Molony for Palmetto Electric Cooperative, Inc
Daniel E. Henderson for Palmetto Electric Cooperative, Inc
Robert E. Stepp for Central Electric Power Cooperative, Inc

Vincent Austin Sheheen for Jessica S Cook
Frank Rogers Ellerbe, III for Central Electric Power Cooperative,
Inc
Gregory Michael Galvin for Jessica S Cook
Benjamin Rush Smith, III for Santee Cooper, South Carolina
Public Service Authority
Algernon Gibson Solomons, III for Jessica S Cook
William Coleman Hubbard for Santee Cooper, South Carolina
Public Service Authority
John K. DuBose, III for Fairfield Electric Cooperative, Inc.
Allen Mattison Bogan for Santee Cooper, South Carolina Public
Service Authority
Carmen Harper Thomas for Santee Cooper, South Carolina Public
Service Authority
Ian Douglas McVey for Scottmadden, Inc. (Movant)
James Y. Becker for South Carolina Electric & Gas
Whitney Boykin Harrison for Jessica S Cook
Manton M. Grier for South Carolina Electric & Gas
Jasmine D. Wyman for Scana, South Carolina Electric & Gas
Steven James Pugh for Scana, South Carolina Electric & Gas
Donna Ojetta Tillis for Santee Cooper, South Carolina Public
Service Authority
Jerry Hudson Evans for Jessica S Cook
Edward J. Westbrook for Jessica S Cook
Daniel Scott Haltiwanger for Jessica S Cook
James Edward Cox, Jr. for Century Aluminum Of South Carolina,
Inc.
Terry E. Richardson, Jr. for Jessica S Cook
Joseph Preston Strom for Jessica S Cook
Wallace K. Lightsey for Century Aluminum Of South Carolina,
Inc.
John R. Alphin for Jessica S Cook
Jessica Lerer Fickling for Jessica S Cook
Mario Anthony Pacella for Jessica S Cook
David Andrew Maxfield for Rusty Wannamaker, Justin M.
Tedder, Travis B Renwick, Lindsey F Smith, Peggy E Dantzler,
William E Robinson, Caroline Robinson
Ross A. Appel for Jessica S Cook

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

The Electric Cooperatives Of South Carolina

Paul Spence