

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)
)
)
THE STATE TREASURER OF)
THE STATE OF SOUTH CAROLINA)
AND THE ATTORNEY GENERAL OF)
THE STATE OF SOUTH CAROLINA)
FOR THE STATE OF SOUTH)
CAROLINA,)
 Plaintiffs,)
 vs.)
THE BANK OF NEW YORK MELLON)
CORPORATION and THE BANK OF)
NEW YORK MELLON, f/k/a THE)
BANK OF NEW YORK,)
 Defendants.)

IN THE COURT OF COMMON PLEAS
 FOR THE FIFTH JUDICIAL CIRCUIT

Civil Action No. 2011-CP-40005

**CONSENT ORDER OF DISMISSAL
 WITH PREJUDICE**

RICHLAND COUNTY
 FILED
 2013 MAY 20 PM 1:40
 JANETTE W. MCGRIDE
 C.C.P. & G.S.

This matter came before the Court on May 20, 2013 for a final hearing in the above-captioned case. The Treasurer and the Attorney General are represented by Mr. John W. McIntosh of the South Carolina Attorney General's Office, Mr. Mitchell Willoughby of Willoughby & Hoefer, P.A. and Mr. Michael H. Montgomery of Montgomery Willard, L.L.C. The Defendants are represented by Mr. John C. Moylan of Wyche, P.A.

Counsel for the parties jointly announced that the parties have reached a settlement resolving the issues raised in this lawsuit. The parties provided a copy of the Settlement Agreement for review by the Court. The Court notes that this litigation has been hard-fought. During the over two year period it has been pending before this Court, the parties have filed and this Court has decided many motions, both procedural and substantive. In discovery, the parties have exchanged more than five million documents and taken over 35 depositions. Had this case

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not been settled, additional discovery and many motions were contemplated in preparation for the two week trial set in July 2013.

This Court has reviewed the Settlement and Mutual Release Agreement and queried counsel about the contents thereof. This Court is satisfied that all parties and Counsel are acting in good faith in the making of this settlement, that the signatories thereto have the full right and authority to enter into this settlement and to commit and to bind fully their respective parties, and that they reasonably believe and are correct that this Agreement and the payments and forward-looking credits, discounts and training it makes available to the State are, in fact, in the best interests of the parties and the citizens and retirees of South Carolina that benefit from this settlement.

NOW, THEREFORE, based upon the foregoing findings and conclusions,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the above-captioned case, having been settled by the parties, is hereby dismissed with prejudice.

AND IT IS SO ORDERED.

Signature Redacted

The Honorable Clifton Newman
Business Court Judge
Fifth Judicial Circuit

Columbia, South Carolina
This 20th day of May, 2013

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WE CONSENT:

For Plaintiffs

The Honorable Alan M. Wilson
John W. McIntosh, Esquire
**ATTORNEY GENERAL FOR
THE STATE OF SOUTH CAROLINA**
Rembert Dennis Building
Post Office Box 11549
Columbia, South Carolina 29211-1549
(803) 734-3970
agwilson@scag.gov
agjwmcinto@scag.gov

Michael H. Montgomery, Esquire
MONTGOMERY WILLARD, LLC
1002 Calhoun Street
P.O. Box 11886
Columbia, SC 29211-1886
(803) 779-3500
mhm@montgomerywillard.com

Signature Redacted

Mitchell Willoughby, Esquire
WILLOUGHBY & HOEFER, P.A.
930 Richland Street
Post Office Box 8416
Columbia, SC 29202-8416
(803) 252-3300
mwilloughby@willoughbyhoefer.com

Attorneys for the State Treasurer of the State of
South Carolina and the Attorney General of the
State of South Carolina

For Defendants

Damien J. Marshall, Esquire
BOIES, SCHILLER & FLEXNER LLP
575 Lexington Avenue
7th Floor
New York, NY 10022
(212) 909-7617
dmarshall@bsflp.com

Signature Redacted

John C. Moylan, Esquire
WYCHE, P.A.
801 Gervais Street, Suite B
Columbia, SC 29201
jmoylan@wyche.com

Attorneys for the The Bank of New York
Mellon Corporation and The Bank of New York
Mellon

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