

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

William K. Suter
Clerk of the Court
(202) 479-3011

December 14, 2010

Mr. Robert D. Cook
Mr. David C. Frederick
Mr. Christopher G. Browning, Jr.
Mr. Garry S. Rice
Mr. Carter G. Phillips
Mr. James W. Sheedy
Mr. Thomas C. Goldstein

**Re: State of South Carolina
v. State of North Carolina
No. 138, Original**

Dear Counsel:

Enclosed are certified copies of the stipulation to dismiss the bill of complaint filed on December 14, 2010, and the order of dismissal pursuant to Rule 46.1. of the Rules of this Court.

Sincerely,

WILLIAM K. SUTER, Clerk

by 

Elizabeth Brown
Judgments/Mandates Clerk

Enc.

cc: Roy A. Cooper, Esq.
H. Christopher Bartolomucci, Esq.

Kristin L. Myles, Special Master

Supreme Court of the United States

No. 138, ORIGINAL

STATE OF SOUTH CAROLINA,

Plaintiff

v.

STATE OF NORTH CAROLINA

(14 Dec. 10). The foregoing stipulation to dismiss the Bill of Complaint in the above-entitled case having been received by the Office of the Clerk, and no fees due the Clerk, the Bill of Complaint is now hereby dismissed pursuant to Rule 46.1 of the Rules of this Court.

(Seal)

WILLIAM K. SUTER
Clerk of the Supreme Court
of the United States

By: Cynthia J. Rapp
Deputy Clerk

A True copy WILLIAM K. SUTER

Test:

Clerk of the Supreme Court of the United States

By

Cynthia J. Rapp

Deputy

No. 138, Original

RECEIVED

DEC 14 2010

OFFICE OF THE CLERK
SUPREME COURT, U.S.

**In the
Supreme Court of the United States**

STATE OF SOUTH CAROLINA,
Plaintiff,

v.

STATE OF NORTH CAROLINA,
Defendant,

CATAWBA RIVER WATER SUPPLY PROJECT,
Defendant-Intervenor,
and

DUKE ENERGY CAROLINAS, LLC,
Defendant-Intervenor.

**Before the Special Master
Hon. Kristin L. Myles**

**STIPULATION FOR DISMISSAL
(Sup. Ct. R. 46.1)**

Plaintiff the State of South Carolina, Defendant the State of North Carolina, Intervenor Duke Energy Carolinas, LLC, and Intervenor the Catawba River Water Supply Group (the "Parties" to the litigation), do hereby stipulate to the dismissal of the complaint in the above-captioned case pursuant to Rule 46.1 of the Rules of the United States Supreme Court. The Parties further stipulate and agree as follows:

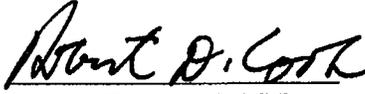
1. All fees due the Court have been fully paid.
2. The Parties have paid, or have agreed to pay, each of the invoices submitted by the Special Master for fees and costs incurred in this litigation. The

Parties specifically do not dispute and have paid or agree to pay the fees and costs set forth in the January 9, 2008 invoice, the December 29, 2009 invoice, and November 22, 2010 invoice. In the event there is an additional final invoice from the Special Master, each Party agrees to pay the fees and costs assigned.

3. Each Party to the action will bear its own cost and no costs will be awarded by the Court to any party.

SO STIPULATED:

For the State of South Carolina, Plaintiff

By: 

Henry Dargan McMaster
Attorney General

Robert D. Cook,

Assistant Deputy Attorney General and Counsel of Record

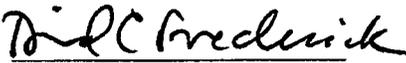
Post Office Box 11549

Columbia, SC 29211

(803) 734-3970

Dated: December 1, 2010

Counsel for Plaintiff the State of South Carolina

By: 

David C. Frederick,

Kellogg, Huber, Hansen, Todd, Evans & Figel, P.L.L.C.

1615 M. Street, N.W. Suite 400

Washington, D.C. 20036

(202) 326-7900

Dated: 13 December 2010

Special Counsel to Plaintiff the State of South Carolina

For the State of North Carolina, Defendant

By: Christopher G. Browning, Jr. Dated: 12/10/10

Christopher G. Browning, Jr.

Solicitor General of North Carolina and Counsel of Record

James C. Gulick

Senior Deputy Attorney General

North Carolina Department of Justice

Post Office Box 629

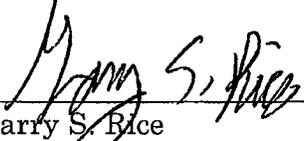
Raleigh, NC 27609-0629

Phone: (919) 716-6900

Counsel for Defendant the State of North Carolina

For Duke Energy Carolinas, LLC, Intervenor

By: _____


Garry S. Rice
Associate General Counsel
Duke Energy,
Law Department – EC03T
526 South Church Street
Charlotte, NC 28202
P.O. Box 1006
Charlotte, NC 28201-1006
Phone: (704) 382-8111

Dated: _____



Counsel for Intervenor Duke Energy Carolinas, LLC

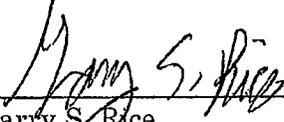
By: _____

Carter G. Phillips
Sidley Austin LLP
1501 K. Street, N.W.
Washington, D.C. 20005
Phone: (202) 736-8000

Dated: _____

Counsel of Record for Intervenor Duke Energy Carolinas, LLC

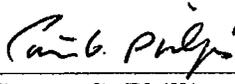
For Duke Energy Carolinas, LLC, Intervenor

By: 

Dated: 12-2-10

Garry S. Rice
Associate General Counsel
Duke Energy,
Law Department – EC03T
526 South Church Street
Charlotte, NC 28202
P.O. Box 1006
Charlotte, NC 28201-1006
Phone: (704) 382-8111

Counsel for Intervenor Duke Energy Carolinas, LLC

By: 

Dated: 12-3-10

Carter G. Phillips
Sidley Austin LLP
1501 K. Street, N.W.
Washington, D.C. 20005
Phone: (202) 736-8000

Counsel of Record for Intervenor Duke Energy Carolinas, LLC

