

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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Aug 17 2022

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
Diane Goodstein, Circuit Court Judge

S.C. SUPREME COURT

Case No. 2012-CP-10-7594
Appellate Case No.: 2018-001230

One Belle Hall Property Owners Association, Inc., and Marvin T. Meek and Francis E. Hill,
individually, and on behalf of all others similarly situated,

Respondents,

v.

Builders FirstSource-Southeast Group, LLC,

Petitioner.

RESPONDENTS' MOTION FOR COSTS ON APPEAL

JUSTIN O'TOOLE LUCEY, PA
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August 17, 2022
Mount Pleasant, South Carolina

Respondents, One Belle Hall Property Owners Association, Inc., and Marvin T. Meek and Francis E. Hill, individually, and on behalf of all others similarly situated, hereby move this Court to tax costs on appeal in the amount of \$6,150.12 against the Petitioner, Builders FirstSource-Southeast Group, LLC, pursuant to Rule 222, SCACR.

On August 3, 2022, this Court issued an Order denying Petitioner's Petition for a Writ of Certiorari to review the Court of Appeals' June 15, 2021 Order dismissing this appeal for lack of jurisdiction. Remittitur was issued by this Court on August 9, 2022.

Rule 222(a), SCACR, provides that "costs shall be taxed against the appellant when the appeal is dismissed" and Rule 222(b), SCACR, provides that these costs include:

(1) the filing fee paid under Rule 203(d); (2) the cost of the court reporter's transcript; (3) premiums paid for costs of supersedeas bonds or other bonds obtained to preserve rights pending appeal; (4) the cost of printing the Record on Appeal under Rule 209; and (5) the cost of printing the party's final brief(s) under Rule 210. In addition, the party shall be entitled to recover an attorney's fee in an amount which shall be set by order of the Supreme Court.

On January 17, 2018, this Court issued an Order setting the amount of the attorney's fee recoverable under Rule 222(b) to \$2,500.00.

Respondents have incurred \$50.00 in filing fees for their Motion to Dismiss; \$1,004.15 in court reporter transcript costs; and, \$95.97 in brief printing costs, all of which are related to this appeal. As the prevailing party, Respondents are entitled to an award totaling \$6,150.12 for these costs plus attorneys' fees. These requested costs are set forth in the Statement of Costs on Appeal filed herewith, and Respondents ask that this Court issue an Order granting them these requested costs totaling \$6,150.12.

[SIGNATURE PAGE TO FOLLOW]

JUSTIN O'TOOLE LUCEY, P.A.

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