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Sep 29 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
in the Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas
Hon. Dale E. Van Slambrook, Master In Equity

Case No. 2012-CP-08-2981
Appellate Case No. 2019-00025

Rita Brooks, Respondent,

v.

Velocity Powersports, LLC, American Honda Finance
Corporation and American Honda Motor Co. Inc., Defendants,

of which Velocity Powersports LLC is the Appellant.

RESPONDENT'S RETURN TO APPELLANT'S
MOTION FOR THE TAXATION OF COSTS

For her Return to the Appellant's Motion for the Taxation of Costs, Respondent Rita Brooks would show this Honorable Court as follows:

1. On September 23, 2022, Respondent moved for the taxation of costs incurred by her in this appeal, as stated in her itemized statement of costs attached thereto.
2. Thereafter, on the same date the, Appellant also moved for the taxation of costs it claims it incurred in this appeal.
3. Rule 222(a), SCACR, provides: "To Whom Allowed. Unless otherwise ordered by the appellate court or agreed by the parties, costs shall be taxed against the appellant when the appeal


is dismissed or judgment on appeal is affirmed. When a judgment is reversed, costs shall be taxed against the respondent unless the court orders otherwise. When an appeal is affirmed or reversed in part or is vacated, costs shall be allowed only as ordered by the appellate court.”

4. Respondent prevailed in all respects in this appeal with the exception of the computation of the amount of the award of attorney’s fees to be made by the trial court. On remand, the Appellant has agreed to pay the full amount of fees originally awarded by the trial court rather than face a retrial of that issue. Accordingly, Respondent has fully prevailed in this appeal.

5. Furthermore, this Court determined in its decision that the Appellant was barred from seeking affirmative relief because it was guilty of committing unfair trade practices. “We hold the Master did not err in refusing to award Velocity storage costs because Velocity's actions constituted an unfair trade practice and therefore, Velocity was not entitled to storage costs.” For the same reason, Appellant should be denied appeal costs.

Wherefore, Respondent respectfully requests that the Appellant's motion be denied.

Respectfully submitted,



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ATTORNEYS FOR RESPONDENT

Charleston, South Carolina

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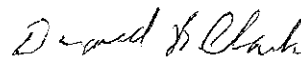
v.

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Corporation and American Honda Motor Co. Inc., Defendants,

of which Velocity Powersports LLC is the Appellant.

CERTIFICATE OF SERVICE

I certify that I served the RETURN TO APPELLANT'S MOTION FOR THE TAXATION OF COSTS on the Appellant by emailing a copy of it on September 29, 2022, addressed to its attorney of record, Mary Leigh Arnold, Esq., Sammie@maryarnoldlaw.com



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