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Oct 24 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM DORCHESTER COUNTY

Court of Common Pleas

Kristi Lea Harrington, Circuit Court Judge

Appellate Case No: 2018-001262

Dorchester County Taxpayers Association, individually and on behalf of all others similarly situated, Weatherstone Property Owners Association, individually and on behalf of all others similarly situated, George Resnick, William A. Harbeson, James Stephen Greene, Jr., Homer P. Gonzalez, Gerald E. Ziegler and South Carolina Public Interest Foundation, Appellants,

v.

Dorchester County, Dorchester County Council, David Chinnis, George Bailey, Jay Byars, Willie Davis, Carroll S. Duncan, Larry Hargett and William R. Hearn, Jr., in their official capacities as members of Dorchester County Council, Town of Summerville, Summerville Town Council, William E. McIntosh, III, in his official capacity, Dorchester County Sheriff, Luther C. Knight, in his official capacity, Dorchester School District Two, Dorchester School District Two Board of Trustees, Joseph R. Pye, Justin Farnsworth, Gail Hughes, Brian Mitchum, Tanya Robinson, Sam Clark, Barbara Crosby and Lisa Tupper, in the official capacities, Dorchester School District Four, Dorchester School District Four Board of Trustees, Dorchester County Career and Technology Center, and Dorchester County Career and Technology Center Board of Trustees,.....Respondents.

**APPELLANTS’ MOTION TO DISMISS MOTION FOR COSTS BY RESPONDENTS
DORCHESTER COUNTY SCHOOL DISTRICT FOUR AND DORCHESTER COUNTY
SCHOOL DISTRICT BOARD**

The Appellants in the above-referenced appeal move to dismiss the motion to be awarded costs against the Appellants filed by Respondents Dorchester County School District Four and Dorchester County School District Board with the South Carolina Court of Appeals on October 11, 2022.

Appellants base this Motion to Dismiss on the failure of these Respondents to have complied with the requirement of Rule 222(d), SCACR requiring that “[a] party desiring costs to be taxed shall, within fifteen (15) days of the issuance of the remittitur, serve and file a motion requesting that costs be assessed under this Rule.” (Emphasis added.)

Specifically, the Remittitur was issued on September 8, 2022. However, the Respondents did not file and serve their motion for costs by September 23, 2022, as required by Rule 222(d), but, instead, filed their motion for costs on October 11, 2022, more than fifteen days after the date of the Remittitur.

Therefore, the Respondents Motion for Costs should be dismissed due to the Respondents’ failure to have complied with the fifteen (15) day service and filing requirement of Rule 222(d), SCACR.

Respectfully Submitted,

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Charleston, South Carolina

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of Appellant’s Motion to Oppose Costs has been served upon opposing counsel by emailing a copy on October 24, 2022, to:

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