

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
The Honorable Mikell R. Scarborough, Master-In-Equity

68658

Case No. 2010-CP-10-1602

Commissioner of Public Works of the Town
of Mount Pleasant, South Carolina,

Respondent,

-v-

Henry Swinton, Jr., Leroy Swinton, Earsilee Nesbit,
Jack Swinton, Charles Swinton, Nathaniel Swinton
and James Swinton

Appellants.

MOTION FOR TAXATION OF COSTS AND EXPENSES

James A. Bruorton IV
Timothy J.W. Muller
151 Meeting Street; Suite 400
Post Office Box 893
Charleston, SC 29402
(843) 577-6726

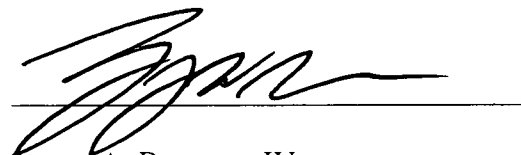
Attorneys for Respondent

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JUN 07 2013
SC Court of Appeals

Pursuant to SCACR 222, the Respondent, Commissioner of Public Works of the Town of Mount Pleasant, South Carolina, hereby moves this Court to tax or assess costs against Appellants Henry Swinton, Jr., Leroy Swinton, Earsilee Nesbit, Jack Swinton, Charles Swinton, Nathaniel Swinton and James Swinton in the total amount of \$1,138.59 as more particularly set forth on the Itemized Statement of Costs filed along with this motion. This motion is based on the grounds that the Respondent is the prevailing party by virtue of this Court's opinion filed on April 24, 2013, and received April 26, 2013, affirming the lower court's Orders.

Respectfully submitted,

ROSEN, ROSEN & HAGOOD, LLC



James A. Bruorton IV
Timothy J.W. Muller
151 Meeting Street; Suite 400
Post Office Box 893
Charleston, SC 29402
(843) 577-6726

Attorneys for Respondents

June 4, 2013
Charleston, SC

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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The Honorable Mikell R. Scarborough, Master-In-Equity

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Respondent,

-v-

Henry Swinton, Jr., Leroy Swinton, Earsilee Nesbit,
Jack Swinton, Charles Swinton, Nathaniel Swinton
and James Swinton

Appellants.

ITEMIZED STATEMENT OF COSTS AND EXPENSES

James A. Bruorton IV
Timothy J.W. Muller
151 Meeting Street; Suite 400
Post Office Box 893
Charleston, SC 29402
(843) 577-6726

Attorneys for Respondent

COSTS TAXABLE UNDER RULE 222, SCACR	NO. OF PAGES	RATE	REQUESTED	ALLOWED (For Court Use Only)
Costs of Printing or Copying Final Brief filed in S.C. Court of Appeals	229 + covers & binding	.11 1.00 3.50	\$113.59 (includes tax)	
Attorney's Fee Provided by Rule 222(b), SCACR, for proceedings in S.C. Court of Appeals			\$1,000.00	
Other – Motion filing fee pursuant to SCACR 240(d) for motion to tax costs filed in S.C. Court of Appeals			\$25.00	
Total			\$1,138.59	

I, Timothy J.W. Muller, do swear or affirm that the foregoing costs are correct and were necessarily incurred in this action. A copy of this statement was (mailed to/served upon) opposing counsel.

Respectfully submitted,

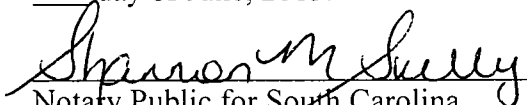
ROSEN, ROSEN & HAGOOD, LLC



James A. Bruorton IV
Timothy J.W. Muller
151 Meeting Street; Suite 400
Post Office Box 893
Charleston, SC 29402
(843) 577-6726

Attorneys for Respondents

SWORN to before me this
4th day of June, 2013.


Notary Public for South Carolina
My commission expires: 8/20/13



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Commissioner of Public Works of the Town
of Mount Pleasant, South Carolina,

Respondent,

-v-

Henry Swinton, Jr., Leroy Swinton, Earsilee Nesbit,
Jack Swinton, Charles Swinton, Nathaniel Swinton
and James Swinton

Appellants.

PROOF OF SERVICE

I certify that on June 4, 2013, I have served a copy of Respondent's Motion for Taxation of Costs and Expenses along with the Itemized Statement of Costs and Expenses on the Appellants by causing a copy of the same to be deposited in the U.S. Mail with adequate first-class postage affixed thereto and addressed to Appellants' attorney of record as follows:

Christopher L. Murphy, Esquire
123 Meeting St.
Charleston, South Carolina, 29401-2217

ROSEN, ROSEN & HAGOOD, LLC



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Timothy J.W. Muller
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SC Court of Appeals

ROSEN | HAGOOD

Timothy J.W. Muller
tmuller@rrhlawfirm.com

June 4, 2013

The South Carolina Court of Appeals
Jenny A. Kitchings
P.O. Box 11629
Columbia, SC 29211

Re: Commissioners of Public Works vs. Henry Swinton, Jr.
Lower Court Case No.: 2010-CP-10-01602
Appellate Case No.: 2012-212950

Dear Ms. Kitchings:

Please find enclosed an original and six (6) copies for filing and one return copy of Respondent's Motion for Taxation of Costs and Expenses, Itemized Statement of Costs and Expenses and the Proof of Service which I am forwarding in connection with the above-referenced matter. Also enclosed is my firm's check in the amount of \$25.

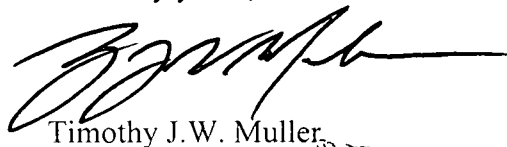
I would appreciate your filing the originals and returning a clocked copy to me in the self-addressed, stamped envelope provided.

By copy of this letter, Counsel for the Appellant is being served with copies of same.

Thank you in advance for your assistance.

With kindest regards, I am

Sincerely yours,



Timothy J.W. Muller

TJM/lsc

cc: Christopher Murphy, Esquire (w/ enc.)

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SC Court of Appeals