

RECEIVED

Apr 17 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Circuit Court

The Honorable William H. Seals, Jr., Common Pleas Judge

Case No. 2020-CP-26-04144

Appellate Case No. 2022-001606

Ray Wallauer, Carol Wallauer,
John White and Pam White.....Respondents,

v.

Advantage Solar, LLC.....Appellant.

RETURN TO RESPONDENTS’ MOTION TO TAX COSTS

The Appellant, Advantage Solar, LLC, provides this Return to Respondents’ Motion to Tax Costs and respectfully requests that the Court deny the Motion or significantly reduce the attorneys’ fee award below the \$2,500 sought for the reasons specified below.

Shortly after this appeal was filed the Court requested briefing on whether the Order on appeal was immediately appealable. Respondents submitted a brief Memorandum arguing that the appeal should be dismissed. That filing contained effectively three pages of substantive text and relied upon the few cited legal authorities within it (one code section and four cases) to argue for dismissal. Respondents’ concise filing sufficiently addressed the narrow issue at hand and did not require extensive research or drafting time. From its length and contents, it is reasonable to estimate that Respondents spent no more than 1-2 hours to research and write. Respondents did

not file or do anything else in this appeal before it was dismissed by the Court.

Accordingly, awarding Respondents the full \$2,500 provides them an effective hourly rate of \$1,250 (at a minimum) and grants them the same relief given to a prevailing party that went through the entire briefing and argument process. Here, little was required to address the appealability issue and any cost award should reflect that reality. Given the circumstances and minimal work required and undertaken by Respondents in this appeal, Appellant respectfully asks that the Court deny their motion for costs, or, in the alternative, significantly reduce the attorneys' fee awarded.

Respectfully Submitted,

SMITH HUDSON LAW, LLC

/s/ Joseph O. Smith

Joseph O. Smith (S.C. Bar No. 77475)

Joshua J. Hudson (S.C. Bar No. 100311)

200 N. Main Street, Ste. 301-C

Greenville, SC 29601

Phone: (864) 908-3912

jsmith@smithhudsonlaw.com

jhudson@smithhudsonlaw.com

Attorneys for Appellant

April 17, 2023

Greenville, South Carolina

RECEIVED

Apr 17 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Circuit Court

The Honorable William H. Seals, Jr., Common Pleas Judge

Case No. 2020-CP-26-04144

Appellate Case No. 2022-001606

Ray Wallauer, Carol Wallauer,
John White and Pam White.....Respondents,

v.

Advantage Solar, LLC.....Appellant.

PROOF OF SERVICE

I certify that I have served the Return to Respondents’ Motion for Costs on the above-named Respondents and all other parties’ counsel via electronic mail, on April 17, 2023, addressed to counsel of record as follows.

Gene M. Connell, Jr., Esq.
Kelaher, Connell & Connor, P.C.
P.O. Box 14547
Surfside Beach, SC 29587-4547
gconnell@classactlaw.net
Attorneys for Respondents

Robert Buffington, Esq.
Buffington Law Firm, LLC
2411 N. Oak St., Ste. 301-J
Myrtle Beach, SC 29677
bobby@bufflawfirm.com
Attorneys for Defendant
Dividend Solar Finance, LLC

(Signature page follows)

SMITH HUDSON LAW, LLC

/s/ Joseph O. Smith

Joseph O. Smith (S.C. Bar No. 77475)

Joshua J. Hudson (S.C. Bar No. 100311)

200 N. Main Street, Ste. 301-C

Greenville, SC 29601

Phone: (864) 908-3912

jsmith@smithhudsonlaw.com

jhudson@smithhudsonlaw.com

Attorneys for Appellant

April 17, 2023

Greenville, South Carolina