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May 09 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Donald B. Hocker, Circuit Court Judge

Appellate Case No. 2022-000030

Thomas and Stacy Lanham,Respondents,

v.

Rumsey Construction & Renovation, LLC d/b/a Rumsey
Construction & Restoration,.....Appellant.

RESPONDENTS' MOTION FOR COSTS

Pursuant to Rule 222, SCACR, Respondents Thomas and Stacy Lanham move the Court for an order awarding costs against Appellant. This motion is based on Appellant's motion to withdraw the appeal and the Court's subsequent dismissal order on April 13, 2023, which results in an affirmance of the lower court's order. This Court issued the remittitur on May 1, 2023, and this motion is timely filed under Rule 222(d).

Under Rule 222(a), unless otherwise ordered or agreed, "costs **shall** be taxed against the appellant when the appeal is dismissed." (emphasis added). The parties did not have an agreement about costs. A detailed, sworn, itemized statement of costs is attached. The Respondent respectfully requests that this Court award \$2,500.00 pursuant to Rule 222, SCACR.

Respectfully submitted,

May 9, 2023

s/Kathleen C. Barnes

Kathleen C. Barnes, SC Bar # 78854

Barnes Law Firm, LLC

P.O. Box 897

Hampton, SC 29924

Office: 803-943-4529

kbarnes@barneslawfirm.com

CANTWELL LAW FIRM, LLC

Joshua P. Cantwell

P.O. Box 600

Charleston, SC 29402

Office: (843) 801-4104

josh@cantwelllawfirm.org

Attorneys for Respondents

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PROOF OF SERVICE

The undersigned certifies that a copy of the Respondents’ motion for costs and itemized statement of costs have been served upon counsel for Appellant via electronic mail at the email addresses stated in the Attorney Information System as set forth below on May 9, 2023.

THE WARD LAW FIRM, P.A.
John E. Rogers, II
(jrogers@wardfirm.com)
T. Jonathan Clark
(jclark@wardfirm.com)

NEXSEN PRUET, LLC
Erin C. Huegel
(ehuegel@nexsenpruet.com)

May 9, 2023

s/Kathleen C. Barnes
Kathleen Chewing Barnes, SC Bar No. 78854
P.O. Box 897
Hampton, SC 29924
803-943-4529

Kathleen C. Barnes
kbarnes@barneslawfirm.com



William F. Barnes III
wbarnes@barneslawfirm.com

May 9, 2023

Via E-Mail

The Honorable Jenny Abbott Kitchings
Clerk of Court for the Court of Appeals
ctappfilings@sccourts.org

Re: *Thomas and Stacy Lanham v. Rumsey Construction & Renovation, LLC d/b/a Rumsey Construction & Restoration*, Appellate Case. No. 2022-000030

Dear Mrs. Kitchings:

Attached for electronic filing and service please find:

- (1) Respondents' Motion for Costs,
- (2) Itemized Statement of Costs, and
- (3) Proof of Service.

Please file the documents and return one file-stamped copy to me via email. By electronic copy of this letter, I am serving all counsel of record with a copy of the same. The \$50.00 filing fee for the motion will be mailed within five days.

With kind regards, I am,

s/Kathleen C. Barnes

cc: Joshua P. Cantwell (josh@cantwelllawfirm.org)
John E. Rogers, II (jrogers@wardfirm.com)
T. Jonathan Clark (jclark@wardfirm.com)
Erin C. Huegel (ehuegel@nexsenpruet.com)

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