

STATE OF SOUTH CAROLINA  
In the Supreme Court

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APPEAL FROM BARNWELL COUNTY  
Court of Common Pleas

RECEIVED

Edgar W. Dickson, Circuit Court Judge

JUN 28 2013

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S.C. Supreme Court

Case No. 11-CP-06-476

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Don Alexander, Carolyne Williams, Georgia F. Fields,  
William R. "Bob" Dixon, Colonel Joe H. Zorn, Jr., Melanie  
Wright, and Dr. M.O. Khan, ..... Plaintiffs/Appellants,

v.

Freddie Houston, David Kenner, Keith Sloan, Lowell Jowers, Sr.,  
Joe Smith, Harold Buckmon, and Travis Black, individually and in  
their capacity as members of Barnwell County Council ..... Defendants/Respondents.

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**APPELLANT'S MOTION FOR ASSESSMENT OF COSTS,  
PURSUANT TO RULE 222, SCACR**

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Appellant Don Alexander hereby moves the Court for an Order taxing costs against Respondents Freddie Houston, David Kenner, Keith Sloan, Lowell Jowers, Sr., Joe Smith, Harold Buckmon, and Travis Black, pursuant to Rule 222, SCACR.

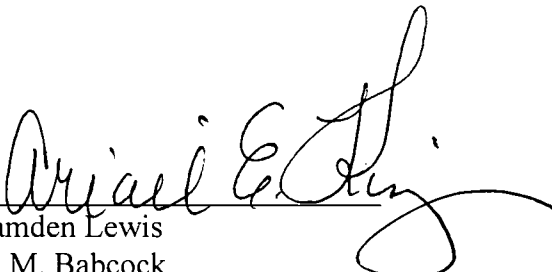
Rule 222(a), SCACR provides that "[w]hen a judgment is reversed, costs shall be taxed against the respondent unless the court orders otherwise." The rule further states that a party

desiring costs to be taxed shall file and serve a motion requesting such costs within 15 days of the remittur. Rule 222(d), SCACR. The costs that can be assessed include: the filing fee, the cost of the court's reporter's transcript, the costs of printing the Record on Appeal and Final Briefs, and an attorney's fee in an amount set by the Supreme Court. Rule 222(b), SCACR.

In this case, Appellant originally filed the Notice of Appeal in the Court of Appeals. After the matter was briefed, and the Record on Appeal prepared, this Court issued an order, dated November 20, 2012, which certified the appeal for review under Rule 204, SCACR.

On , May 29, 2013, this Court issued a unanimous opinion reversing the trial court's grant of Respondents' motion to dismiss, and finding that Respondents had violated the Constitutional provision on dual office holding. On June 14, 2013 the Court issued the remittur in this case, and this Motion is made within fifteen (15) days of the remittur in accordance with Rule 222.

Appellant therefore moves this Court to tax costs in the amount of \$1591.92 (as itemized on the attachment hereto) against Respondents.

  
A. Camden Lewis  
Keith M. Babcock  
Ariail E. King  
LEWIS, BABCOCK, & GRIFFIN, L.L.P.  
1513 Hampton St.  
Post Office Box 11208  
Columbia, South Carolina 29211  
(803) 771-8000

Columbia, SC  
June 28, 2013

STATE OF SOUTH CAROLINA  
In the Supreme Court

APPEAL FROM BARNWELL COUNTY  
Court of Common Pleas

Edgar W. Dickson, Circuit Court Judge

Case No. 11-CP-06-476

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William R. "Bob" Dixon, Colonel Joe H. Zorn, Jr., Melanie  
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v.

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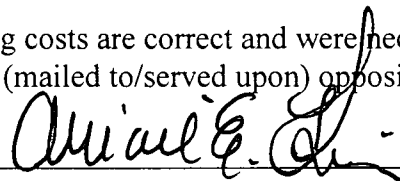
**ITEMIZED STATEMENT OF COSTS**

The Appellate Court is requested to tax the following costs against Respondents Freddie Houston, David Kenner, Keith Sloan, Lowell Jowers, Sr., Joe Smith, Harold Buckmon, and Travis Black:

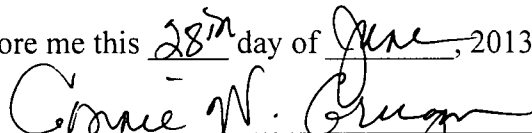
COSTS TAXABLE UNDER RULE 222, SCACR	NO. OF PAGES	RATE	REQUESTED	ALLOWED (For Court Use Only)
Cost of Printing or Copying Final Brief	340	\$ .12	\$41.34	
Cost of Printing or Copying Final Reply Brief	187	\$ .22	\$41.34	
Cost of Printing or Copying Record on Appeal	2,261	\$ .13	\$306.74	
Filing Fee Paid Under Rule 203(d), SCACR			\$100.00	
Cost of Court Reporter's Transcript	30	\$3.41	\$102.50	

Attorney's Fee Provided By Rule 222(b), SCACR			\$1,000.00	
Other (specify and explain):				
COSTS TAXABLE UNDER RULE 242(j), SCACR				
Cost of Printing or Copying Brief				
Cost of Printing or Copying Reply Brief				
Cost of Printing or Copying Appendix				
Filing fee paid under Rule 242(c), SCACR				
Attorney's fee provided by Rule 242(j)(2), SCACR				
Other (specify and explain):				
		TOTAL	\$1,591.92	

I, Ariail E. King, 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.

  
 (Signature)  
 Attorney for Plaintiffs/Appellants

Subscribed and sworn to before me this 28<sup>th</sup> day of June, 2013.

  
 Notary Public for South Carolina  
 My Commission Expires: 1/18/2016

(Seal)



# INVOICE

Ricoh USA, Inc. - Columbia, SC  
 Phone: (803) 779-9778 Fax:  
 Federal ID: 230334400

Invoice #	L0712100076
Invoice Date:	10/22/2012
Due Date:	11/21/2012
Terms:	Net 30 Days
Customer Code:	L07-LEWB
Natl ID:	40008

**BILL TO:**  
**LEWIS BABCOCK**  
 1513 HAMPTON ST.  
 COLUMBIA, SC 29201

**SHIP TO:**  
**LEWIS BABCOCK**  
 1513 HAMPTON ST.  
 COLUMBIA, SC 29201

Price using: STANDARD Price

Attn: ARIAIL KING

Reference / Case #	Reference 2	Reference 3	Account Manager
11186			MATT COLLINS

Sales Order	Order Date	Ordered By	Quantity	Unit Price	Extension
<b>SO-1210-0096 10/19/2012 ARIAIL KING - LEWIS BABCOCK &amp; GRIFFIN</b>					
602		Binds - GBC	56.00	2.5000	140.00
565		B&W Copies A - Autofeed	2,695.00	0.0700	188.65

<p align="center"><b>Please Pay From This Invoice</b></p> <p>Customer's duly authorized signature below is an agreement that the above-described work, project or deliverable has been received and accepted by Customer and Customer hereby agrees that such work, project or deliverable is complete and satisfactory for all purposes. Customer assures payment of this invoice when due. Interest at the rate of the lesser of 1.5% per month or the maximum rate permitted by law, will be charged on invoices not paid timely. Customer agrees to pay reasonable legal fees incurred in connection of past due accounts.</p>	Taxable Sales: 328.65 Sales Tax: 23.01 Non-Taxable: 0.00 Postage: 0.00 Delivery: 0.00
	<p><b>PAY THIS AMOUNT \$ 351.66</b></p>

THE PERSON SIGNING THIS INVOICE ON BEHALF OF CUSTOMER REPRESENTS THAT HE/SHE HAS THE AUTHORITY TO DO SO

Received/Accepted by: {Print} \_\_\_\_\_ {Signature} \_\_\_\_\_ Date: \_\_\_\_\_

Please pay from this copy. The party named on this bill is held responsible for payment.

**Payment From:**  
**LEWIS BABCOCK**  
 1513 HAMPTON ST.  
 COLUMBIA, SC 29201

<b>Amount Enclosed</b>
\$

**Invoice: L0712100076**  
 Invoice Date: 10/22/2012  
 Due Date: 11/21/2012  
 Customer Code: L07-LEWB  
 natl id: 40008

**Please Remit To:**  
**Ricoh USA, Inc.**  
 Legal Document Services Southeast District - L07  
 P O Box 532545  
 Atlanta, GA 30353-2545

**PAY THIS AMOUNT \$ 351.66**



# INVOICE

Ricoh USA, Inc. - Columbia, SC  
 Phone: (803) 779-9778 Fax:  
 Federal ID: 230334400

Invoice #	L0712100011
Invoice Date:	10/03/2012
Due Date:	11/02/2012
Terms:	Net 30 Days
Customer Code:	L07-LEWB
Natl ID:	40008

**BILL TO:**  
**LEWIS BABCOCK**  
 1513 HAMPTON ST.  
 COLUMBIA, SC 29201

**SHIP TO:**  
**LEWIS BABCOCK**  
 1513 HAMPTON ST.  
 COLUMBIA, SC 29201

Price using: STANDARD Price

Attn: ARIAIL KING

Reference / Case #	Reference 2	Reference 3	Account Manager
BARNWELL 11186			MATT COLLINS

Sales Order	Order Date	Ordered By	Quantity	Unit Price	Extension
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SO-1210-0011 10/02/2012 ARIAIL KING - LEWIS BABCOCK & GRIFFIN					
602	Binds - GBC		3.00	2.5000	7.50
565	B&W Copies A - Autofeed		397.00	0.0700	27.79

<b>Please Pay From This Invoice</b>		Taxable Sales:	35.29
Customer's duly authorized signature below is an agreement that the above-described work, project or deliverable has been received and accepted by Customer and Customer hereby agrees that such work, project or deliverable is complete and satisfactory for all purposes. Customer assures payment of this invoice when due. Interest at the rate of the lesser of 1.5% per month or the maximum rate permitted by law, will be charged on invoices not paid timely. Customer agrees to pay reasonable legal fees incurred in connection of past due accounts.		Sales Tax:	2.47
		Non-Taxable:	0.00
		Postage:	0.00
		Delivery:	0.00
		<b>PAY THIS AMOUNT \$</b>	<b>37.76</b>

THE PERSON SIGNING THIS INVOICE ON BEHALF OF CUSTOMER REPRESENTS THAT HE/SHE HAS THE AUTHORITY TO DO SO

Received/Accepted by: {Print} \_\_\_\_\_ {Signature} \_\_\_\_\_ Date: \_\_\_\_\_

Please pay from this copy. The party named on this bill is held responsible for payment.

**Payment From:**  
**LEWIS BABCOCK**  
 1513 HAMPTON ST.  
 COLUMBIA, SC 29201

Amount Enclosed
\$

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 Customer Code: L07-LEWB  
 natl id: 40008

**Please Remit To:**  
**Ricoh USA, Inc.**  
 Legal Document Services Southeast District - L07  
 P O Box 532545  
 Atlanta, GA 30353-2545

**PAY THIS AMOUNT \$ 37.76**



# INVOICE

Lisa Davenport  
Court Reporter  
PO Box 5485  
Aiken, SC 29804

Email: [Ldavenport@sccourts.org](mailto:Ldavenport@sccourts.org)

### Customer Information

Name: Ariail E. King, Esq.  
Company: Lewis, Babcock & Griffin, LLP  
Address: PO Box 11208  
  
City/St/Zip: Columbia, SC 29211  
Case: Alexander v Houston  
Case Number: 2011-CP-06-476  
Date of Hearing: 2/9/2012

Date: 11-Jun-12

Number of Pages	Description	Page Rate or Fee	Extended
30	Original Transcript	\$3.25	97.50
	Transcript Copy	\$0.75	
	Expedited Transcript (within a week)	\$4.25	
	Expedited Transcript Copy	\$1.00	
	Key Word Indexing	\$0.50	
	Condensed Pages	\$1.00	
	ASCII disk (flat rate per disk)	\$35.00	
	Real Time Feed / Rough Draft	\$1.50	
	Email Transcript. Flat rate above transcript fee (Adobe Acrobat Format)	\$35.00	
	Notes:		
		Subtotal	97.50
		Postage	5.00
		Deposit	
		Amount Due or Refund	102.50

Please remit all payments to:

Lisa Davenport  
PO Box 5485  
Aiken, SC 29804

All Invoices are payable upon receipt

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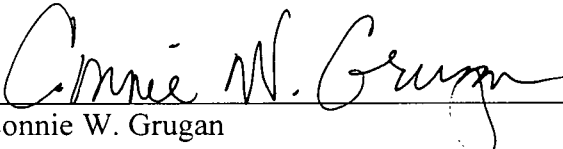
**PROOF OF SERVICE**

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I, Connie W. Grugan, secretary to the law firm of Lewis, Babcock & Griffin, L.L.P.,  
hereby certify that I have served Appellant's Motion for Assessment of Costs upon opposing  
counsel, by mailing a copy of same, postage prepaid and return address clearly indicated, to said  
opposing counsel addressed as follows:

Pete Kulmala, Esquire  
Harvey & Kulmala, LLC  
Post Office Box 705  
Barnwell, South Carolina 29812

J.D. Mosteller, III, Esquire  
Mosteller Law Firm, LLC  
Post Office Box 1832  
Barnwell, South Carolina 29812

  
\_\_\_\_\_  
Connie W. Grugan

This 28th day of June, 2013.