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Jun 07 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
Thomas A. Russo, Circuit Court Judge

Court of Appeals Appellate Case No. 2020-000056
Common Pleas Case No. 2018CP4004658

Elliot Hayes.....Appellant,

v.

Sterling Hills Homeowners' Association, Inc.Respondent.

RESPONDENT'S MOTION FOR COSTS PURSUANT TO RULE 222, SCACR

Christian Saville, SC Bar No. 103272
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Attorney for Respondent

Pursuant to Rule 222, SCACR, Respondents hereby move for the taxation of costs against Appellant. In support of this Motion, Respondents would show as follows.

On June 8, 2022, the Court of Appeals filed its opinion (Unpublished Opinion No. 2022-UP-256) *affirming* the order/judgment of the trial court. On April 18, 2022, the Court of Appeals denied Appellant’s petition for rehearing and suggestion for rehearing en banc. On May 24, 2023, the Supreme Court denied Appellant’s petition for writ of certiorari. Remittitur was issued by the Court of Appeals on May 24, 2023.

Pursuant to Rule 222(a), SCACR, “Unless otherwise ordered by the appellate court or agreed by the parties, costs shall be taxed against the appellant when the appeal is dismissed or judgment on appeal is affirmed.” The recoverable amounts include an attorney’s fee in an amount set by Order of the Supreme Court.”¹ Rule 222(b), SCACR. Because the judgement of the trial court was affirmed and Appellant’s petition for writ of certiorari was dismissed, costs are taxable against Appellant pursuant to Rule 222, SCACR, and Respondents are entitled to an award of costs. A sworn itemized statement of costs is attached as Exhibit A and incorporated herein by reference.

WHEREFORE, Respondents pray that costs and attorney’s fees be taxed against Appellant in the amount of \$2,500.00, as set forth in itemized statement of costs accompanying this motion.

(Signature page follows.)

¹ Currently \$2,500.

Respectfully submitted,



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PROOF OF SERVICE

I hereby certify that on June 7, 2023, I served Respondent's Motion for Costs Pursuant to Rule 222, SCACR upon counsel for Appellant by delivery a copy of the same by electronic service of the primary email address listed in the Attorney Information System (AIS) as follows:

Andrew Sims Radeker, Esq. (803-779-2211)
drew@harrisonfirm.com



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Attorney for Respondent

June 7, 2023
Columbia, South Carolina

Christian Saville

From: Christian Saville
Sent: Wednesday, June 7, 2023 4:34 PM
To: 'Drew Radeker'
Cc: 'sarah@harrisonfirm.com'
Subject: Sterling Hills v. Hayes
Attachments: 388393.pdf; 388392.pdf; 388394.pdf

Good afternoon Drew,

Please find attached, for service upon you, Respondent's Motion for Costs Pursuant to Rule 222, SCACR, Exhibit A Itemization of Costs, and Proof of Service in the above-referenced case. The same is being filed with the Court of Appeals via email.

Thank you,
Christian

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