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Jun 27 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
L. Casey Manning, Circuit Court Judge

Appellate Case No. 2020-000550
Case No. 2018-CP-10-1224

Kevin L. Paul, Appellant,

v.

Walmart Stores East, L.P.; Wal-Mart Supercenter, d/b/a
Wal-Mart Store #1339; and Richland County Sheriff’s
Office..... Defendants,

Of Which, Richland County Sheriff’s Office, is Respondent.

MOTION FOR COSTS ON APPEAL

The Respondent Richland County Sheriff’s Office moves this Court, pursuant to Rule 222(d), SCACR, to tax costs on appeal in the amount of \$2,561.44 against the Appellant Kevin L. Paul.

This motion is based on the grounds as set forth in the supporting memorandum filed herewith.

The requested costs on appeal are set forth in the Statement of Costs on Appeal which is filed herewith.

LINDEMANN LAW FIRM, P.A.

BY: s/ Andrew F. Lindemann
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*Counsel for Respondent
Richland County Sheriff's Office*

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**MEMORANDUM IN SUPPORT OF
MOTION FOR COSTS ON APPEAL**

By unpublished opinion filed May 24, 2023, the South Carolina Court of Appeals affirmed the circuit court's order granting the Appellant Richland County Sheriff's Office's motion for summary judgment on all causes of action. The Court

ruled in favor of the Respondent Richland County Sheriff's Office on all issues decided in this appeal.

Rule 222(a), SCACR, provides that "[u]nless 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." Rule 222(a), SCACR. The Respondent, therefore, qualifies as the prevailing party in this appeal. As the prevailing party, the Respondent is entitled to an award of costs on appeal in accordance with Rule 222(b), SCACR, which includes the costs of printing the Final Brief of Respondent and the cost for hearing transcript. The Respondent is also entitled to attorneys' fees in the amount of \$2,500.00, which is an amount set by order of the Supreme Court.

The filing of this motion is timely. The Remittitur was filed on June 12, 2023. This motion is filed within fifteen days of the issuance of the Remittitur, as required by Rule 222(d), SCACR.

As a result, the Respondent Richland County Sheriff's Office moves this Court, pursuant to Rule 222(d), SCACR, for an award of costs on appeal in the amount of \$2,561.44. The requested costs on appeal are set forth in the Statement of Costs on Appeal, which is also filed herewith.

Respectfully submitted,

LINDEMANN LAW FIRM, P.A.

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Office..... Defendants,

Of Which, Richland County Sheriff's Office, is Respondent.

CERTIFICATE OF SERVICE

Pursuant to Section (d)(1) of the Supreme Court's Order re: Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules (As Amended May 6, 2022), the undersigned employee of the Lindemann Law Firm, P.A., counsel for the Respondent Richland County Sheriff's Office, does hereby certify that service of the **Motion for Costs on Appeal, Memorandum in Support of Motion for Costs on Appeal**, and the **Statement of Costs on Appeal** in the above-captioned matter was made all counsel of record by email only this the 27th day of June 2023 as follows:

Patrick J. McLaughlin, Esquire
Wukela Law Firm
Email: patrick@wukelalaw.com

Robert D. Garfield, Esquire
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s/ Andrew F. Lindemann



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*Also Admitted in North Carolina

June 27, 2023

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SC Court of Appeals

Via Email Only

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Email: ctappfilings@sccourts.org

RE: Kevin L. Paul v. Richland County Sheriff's Office
Appellate Case Number: 2020-000550
Civil Action Number: 2018-CP-40-1224
Claim Number: 012018G00000072
Our File Number: 314.20300

Dear Ms. Kitchings:

Pursuant to Section (b)(2) of the Supreme Court's Amended Order Re: Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules (As Amended May 6, 2022), please find enclosed for filing the **Motion for Costs on Appeal, Memorandum in Support of Motion for Costs on Appeal**, and the **Statement of Costs on Appeal** in the above referenced matter. My firm's \$50.00 check for the filing fee has been sent to the Court via U.S. Mail.

By copy of this letter, I am serving copies on all counsel by email only pursuant to Section (d)(1) of the same Order. Thank you for your assistance in this matter. If you have any questions, please advise.

Sincerely,

LINDEMANN LAW FIRM, P.A.

Andrew F. Lindemann

AFL/jmb
Enclosures

cc: Patrick J. McLaughlin, Esquire (w/ Enclosures, Via Email Only)
Robert D. Garfield, Esquire (w/ Enclosures, Via Email Only)