

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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APPEAL FROM ADMINISTRATIVE LAW COURT

SEP 12 2023

The Honorable S. Phillip Lenski, Administrative Law Judge

SC Court of Appeals

Case No. 2021-000007

Andrew Davis Desilet.....Petitioner,

v.

South Carolina Department of Motor Vehicles and
South Carolina Department of Public Safety.....Respondents,

Of Whom the South Carolina Department of Motor Vehicles is the Respondent.

**RESPONDENT SOUTH CAROLINA DEPARTMENT
OF MOTOR VEHICLES'S MOTION FOR COSTS**

CURTIS R. HUTCHINSON, SC Bar # 76634
Deputy General Counsel
BRANDY A. DUNCAN, SC Bar # 72052
General Counsel
SOUTH CAROLINA DEPARTMENT OF
MOTOR VEHICLES
Post Office Box 1498
Blythewood, South Carolina 29016-0020
Telephone: 803.896.9900
Attorneys for Respondent

NOW COMES the Respondent, South Carolina Department of Motor Vehicles, pursuant to Rules 222 and 242, SCACR, and moves this Honorable Court for an order awarding attorney's fees in this case, in support of this motion Respondent shows unto this Court the following:

- 1) The Petitioner and Respondent were served with the Remittitur from the Supreme Court of South Carolina on August 24, 2023.
- 2) The Respondent and its attorneys incurred attorney's fees associated with this action. Respondent's Affidavit of Costs is attached as Exhibit A.
- 3) Respondent and its attorneys defended this case in the Administrative Law Court by filing a Motion to Dismiss that was granted on December 18, 2020.
- 4) Respondent and its attorneys defended this case in the South Carolina Court of Appeals and the court affirmed the findings of the Administrative Law Court.
- 5) Respondent and its attorneys defended this case in the South Carolina Supreme Court resulting in the court denying a petition for writ of certiorari.
- 6) Respondent and its attorneys are entitled to an award of attorney's fees as set forth in Exhibit A associated with the action filed before the South Carolina Court of Appeals because Respondent prevailed in that case.

CONCLUSION

Based upon the above, Respondent requests an Order of this Court requiring Petitioner to pay Respondent attorney's fees as set forth in Rules 222 and 242, SCACR and as described more fully in Exhibit A.

[SIGNATURE ON THE FOLLOWING PAGE]

Respectfully submitted,



CURTIS R. HUTCHINSON, SC Bar # 76634

Deputy General Counsel

BRANDY A. DUNCAN, SC Bar # 72052

General Counsel

South Carolina Department of Motor Vehicles

P. O. Box 1498

Blythewood, South Carolina 29016

(803) 896-9900

Attorneys for Respondents

September 6, 2023
Blythewood, South Carolina

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SC Court of Appeals

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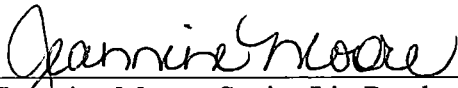
Andrew Davis Desilet,)
)
Appellant,)
)
v.)
)
South Carolina Department of Motor Vehicles,)
and South Carolina Department of Public Safety))
)
Respondent.)

Appellate Case Number
2021-000007

PROOF OF SERVICE

I HEREBY CERTIFY that I have served the Respondent South Carolina Department of Motor Vehicles MOTION FOR COSTS by depositing a copy of same in the United States Mail, postage prepaid, on September 6, 2023, addressed to Counsel for Appellant Andrew Davis Desilet as follows:

Larry C. Marchant, Jr., Esquire
1720 Main Street, Suite 301
Columbia, SC 29201



Jeannine Moore, Senior Lit. Paralegal
Office of General Counsel

September 6, 2023
Blythewood, South Carolina

Henry McMaster
Governor



Kevin A. Shwedo
Director

State of South Carolina
Department of Motor Vehicles

September 6, 2023

The Honorable Jenny Abbott Kitchings
Clerk, The South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

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SC Court of Appeals

RE: *Andrew Davis Desilet v. South Carolina Department of Motor Vehicles*
Appellate Case No: 2021-000007


Dear Ms. Kitchings:

Pursuant to SCACR, Rule 222, please find enclosed one (1) original and seven (7) copies of Respondent South Carolina Department of Motor Vehicles Motion for Costs together with an original and copy of our Proof of Service.

Please file the original and six (6) copies necessary for SCACR compliance and return the extra copy to me with an affixed clerk's date of filing in the enclosed self-addressed stamped envelope.

Thank you for your cooperation in this matter.

In kind regards,


Jeannine (Nina) Moore, Senior Lit. Paralegal
Office of General Counsel

Enclosures

cc: Larry C. Marchant, Jr., Esquire



South Carolina Department of Motor Vehicles

Post Office Box 1498
Blythewood, South Carolina 29016

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South Carolina Department of Motor Vehicles

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Blythewood, S.C. 29016

Form 103

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SC Court of Appeals

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