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May 11 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

Deadra L. Jefferson, Circuit Court Judge

Case No.: 2021-001170

Eddie B. Lewis. . . . . Respondent

v.

Saul, LLC and Wells Fargo Bank National Association, . . . . . Defendants

Of Whom Saul, LLC is the Appellant and Wells Fargo Bank National Association is a  
Respondent.

**MEMORANDUM OPPOSING PETITION FOR COSTS**

Appellant, Saul, LLC (“Saul”), opposes costs being taxed against it pursuant to Rule 222 of the South Carolina Rules of Appellate Procedure. The Court did not address the merits of this appeal, but rather dismissed it on procedural grounds. Where an appeal is dismissed on procedural grounds, our Supreme Court has declined to award costs. *See, Johnson v. Paraplane*, 468 S.E.2d 620 (S.C. 1996); *Duncan v. GEICO*, 449 S.E.2d 580 (S.C. 1994); *Peterkin v. Brigman*, 461 S.E.2d 809 (S.C. 1995); *McLendon v. South Carolina Dept. of Highways & Pub. Transp.*, 443 S.E.2d 539 (S.C. 1994). Similarly, this appeal was dismissed because the subject order was not immediately appealable. This Court, in its discretion, should not award costs.

Alternatively, if the Court elects to award costs, it should only award an attorney fee of \$2,500. Here, Respondent Lewis' costs petition contains items not contemplated under Rule 222(b). Respondent did not pay the filing fee, did not pay for a court reporter transcript, did not pay any bond premiums, did not pay to print the Record, and submitted no final briefs. Postage and copy costs for the motion to dismiss are not contemplated under Rule 222(b).

Wherefore, Saul asks this Court to decline the petition for costs pursuant to Rule 222, or alternatively, reduce those costs to only an attorney's fee.

Dated this 11<sup>th</sup> Day of May, 2023.

WALL TEMPLETON & HALDRUP, P.A.

s/Morgan S. Templeton  
Morgan S. Templeton (SC Bar #15456)  
145 King Street, Ste. 300  
Post Office Box 1200  
Charleston, South Carolina 29402  
843-329-9500  
Attorneys for the Appellant

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**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

Hon. Deadra L. Jefferson,  
Presiding Circuit Court Judge

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Case No.: 2021-001170

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Eddie B. Lewis. .... Respondent

v.

Saul, LLC and Wells Fargo Bank National Association, .....

Of Whom Saul, LLC is the Appellant and

Of Whom Wells Fargo Bank National Association is also the Respondent.

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**PROOF OF SERVICE**

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I, Morgan S. Templeton, of Wall Templeton & Haldrup, do hereby certify that I have served the Appellant’s Memorandum Opposing Petition for Costs, by electronic mail on May 11<sup>th</sup>, 2023 addressed as follows to counsel of record:

H. Fred Kuhn, Jr.  
Moss Kuhn & Fleming, PA  
Post Office Box 507  
Beaufort, South Carolina 29901-0507  
[fred@mossandkuhn.com](mailto:fred@mossandkuhn.com)  
[teamfred@mossandkuhn.com](mailto:teamfred@mossandkuhn.com)  
**ATTORNEYS FOR PLAINTIFF**

Thomas B. Pritchard  
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2711 Middleburg Drive, Ste. 216  
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[tpritchard@scarolina-law.com](mailto:tpritchard@scarolina-law.com)  
[rberlin@scarolina-law.com](mailto:rberlin@scarolina-law.com)  
**ATTORNEYS FOR WELLS FARGO  
BANK, NATIONAL ASSOCIATION**

**[SIGNATURE INTENTIONALLY ON FOLLOWING PAGE]**

Dated this 11th day of May, 2023.

WALL TEMPLETON & HALDRUP, P.A.

s/Morgan S. Templeton  
Morgan S. Templeton, Esquire  
145 King Street, Ste. 300  
Post Office Box 1200  
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May 11, 2023

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

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**SC Court of Appeals**

Re: Eddie B. Lewis, Jr v. Saul, LLC, et al  
Case No: 2021-001170  
Insured: Saul, LLC  
Claim No.: 300-0011686-2019

Dear Mr. Kitchings:

Please find enclosed an original and one copy of Appellant's Memorandum Opposing Petition for Costs and Proof of Service in the above referenced matter. Please file the original and return a filed-stamped copy to me at your convenience.

By copy of this letter to all counsel of record, I am serving them with the enclosed Appellant's Memorandum Opposing Petition for Costs and Proof of Service.

Thank you for your time and attention to this matter.

Sincerely,

WALL TEMPLETON & HALDRUP, P.A.

A handwritten signature in blue ink, appearing to be 'MST', written over a blue circular stamp.

Morgan S. Templeton

MST/sjs  
enclosures

cc: H. Fred Kuhn, Jr., Esquire (w/ encl, via electronic mail only)  
Thomas B. Pritchard, Esquire (w/ encl, via electronic mail only)