

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas  
Maite Murphy, Circuit Court Judge

---

Appellate Case No. 2023-001533  
Civil Action Case No. 2021-CP-18-1486

---

**RECEIVED**

**Jan 08 2024**

S.C. SUPREME COURT

**RECEIVED**

**Jan 08 2024**

**SC Court of Appeals**

John Trenton Pendarvis ..... Respondent,

v.

L. C. Knight, in his official capacity as Dorchester County Sheriff; Mark Keel, in his official capacity as Chief of the South Carolina Law Enforcement Division; Hugh E. Weathers, in his official capacity as the South Carolina Commissioner of Agriculture; and John Doe(s), ..... Defendants,

Of whom Mark Keel, in his official capacity as Chief of the South Carolina Law Enforcement Division is the Appellant Appellant.

---

**MOTION FOR COSTS ON APPEAL**

The Respondent, John Trenton Pendarvis, moves this Court, pursuant to Rule 222(d), SCACR, to tax costs on appeal in the amount of \$2,868.75 against Appellant, Mark Keel, in his official capacity as Chief of the South Carolina Law Enforcement Division.

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.

Respectfully submitted,

WUKELA LAW FIRM

s/Patrick J. McLaughlin  
PATRICK J. MCLAUGHLIN  
S.C. Bar No.: 73675  
403 Second Loop Road  
P.O. Box 13057  
Florence, SC 29504-3057  
T: (843) 669-5634  
patrick@wukelalaw.com

*-and-*

WILLIAMS & WILLIAMS  
C. Bradley Hutto  
S.C. Bar No.: 6436  
P.O. Box 1084  
Orangeburg, SC 29116  
T: (80) 5345218  
cbhutto@williamsattys.com  
Attorneys for Respondent

January 8, 2024  
Florence, South Carolina

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas  
Maite Murphy, Circuit Court Judge

---

Appellate Case No. 2023-001533  
Civil Action Case No. 2021-CP-18-1486

---

**RECEIVED**

**Jan 08 2024**

S.C. SUPREME COURT

**RECEIVED**

**Jan 08 2024**

**SC Court of Appeals**

John Trenton Pendarvis ..... Respondent,

v.

L. C. Knight, in his official capacity as Dorchester County Sheriff; Mark Keel, in his official capacity as Chief of the South Carolina Law Enforcement Division; Hugh E. Weathers, in his official capacity as the South Carolina Commissioner of Agriculture; and John Doe(s), ..... Defendants,

Of whom Mark Keel, in his official capacity as Chief of the South Carolina Law Enforcement Division is the Appellant Appellant.

---

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

By opinion filed December 13, 2023, the South Carolina Supreme Court denied the Appellant’s petition for a writ of certiorari finding that the Court of Appeals correctly granted Respondent’s motion to dismiss by finding the discovery order was not immediately appealable. The Court ruled in favor of the Respondent, John Trenton Pendarvis.

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 cost for the hearing transcript and filing fee. The Respondent is also entitled to attorney’s 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 issued on December 27, 2023. This motion is filed within fifteen (15) days of the issuance of the Remittitur, as required by Rule 222(d), SCACR.

As a result, the Respondent, John Trenton Pendarvis, moves this Court, pursuant to Rule 222(d), SCACR, for an award of costs on appeal in this amount of \$2,868.75. The requested costs on appeal are set forth in the Statement of the Costs on Appeal, which is also filed herewith.

Respectfully submitted,

WUKELA LAW FIRM

s/Patrick J. McLaughlin  
PATRICK J. MCLAUGHLIN  
S.C. Bar No.: 73675  
403 Second Loop Road  
P.O. Box 13057  
Florence, SC 29504-3057  
T: (843) 669-5634  
patrick@wukelalaw.com

*-and-*

WILLIAMS & WILLIAMS  
C. Bradley Hutto  
S.C. Bar No.: 6436  
P.O. Box 1084  
Orangeburg, SC 29116  
T: (80) 5345218  
cbhutto@williamsattys.com  
Attorneys for Respondent

January 8, 2024  
Florence, South Carolina

RECEIVED

Jan 08 2024

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas  
Maite Murphy, Circuit Court Judge

Civil Action Case No. 2021-CP-18-1486  
Appellate Case No. 2023-000757

RECEIVED

Jan 08 2024

SC Court of Appeals

John Trenton Pendarvis ..... Respondent,

v.

L. C. Knight, in his official capacity as Dorchester County Sheriff; Mark Keel, in his official capacity as Chief of the South Carolina Law Enforcement Division; Hugh E. Weathers, in his official capacity as the South Carolina Commissioner of Agriculture; and John Doe(s), ..... Defendants,

Of whom Mark Keel, in his official capacity as Chief of the South Carolina Law Enforcement Division is the Appellant Appellant.

**CERTIFICATE OF SERVICE**

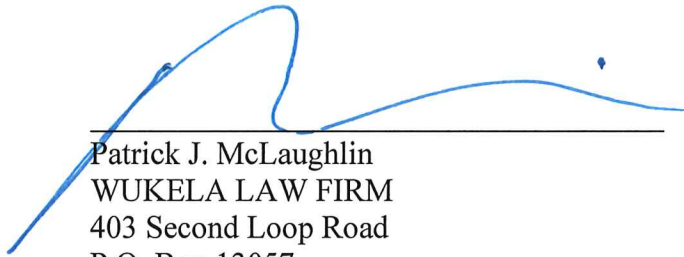
Pursuant to Section (d)(1) of the Supreme Court’s Order re: Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules (As Amended May 6, 2022, the undersigned employee of the Wukela Law Firm, counsel for the Respondent, John Trenton Pendarvis, does hereby certify 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 to all counsel of record by email only this 8<sup>th</sup> day of January, 2024 as follows:

Daniel Plyler  
Smith Robinson  
Email: [daniel.plyler@smithrobinsonlaw.com](mailto:daniel.plyler@smithrobinsonlaw.com)

Austin T. Reed  
Smith Robinson  
Email: [austin.reed@smithrobinsonlaw.com](mailto:austin.reed@smithrobinsonlaw.com)

Fred Hanna  
Smith Robinson  
Email: [fred.hanna@smithrobinsonlaw.com](mailto:fred.hanna@smithrobinsonlaw.com)

C. Bradley Hutto  
Williams & Williams  
Email: [cbhutto@williamsattys.com](mailto:cbhutto@williamsattys.com)



Patrick J. McLaughlin  
WUKELA LAW FIRM  
403 Second Loop Road  
P.O. Box 13057  
Florence, SC 29504-3057  
T: 843.669.5634, F: 843-669-5150  
Attorney for Appellant

**From:** [Marlene Day](#)  
**To:** [Supreme Court Filings](#)  
**Cc:** [Patrick McLaughlin](#); [daniel.plyler@smithrobinsonlaw.com](mailto:daniel.plyler@smithrobinsonlaw.com); [Austin T. Reed, Esquire.](#); [fred.hanna@smithrobinsonlaw.com](mailto:fred.hanna@smithrobinsonlaw.com); [cbhutto@williamsattys.com](mailto:cbhutto@williamsattys.com)  
**Subject:** Pendarvis vs. Knight, et al  
**Date:** Monday, January 8, 2024 3:25:18 PM  
**Attachments:** [2024.01.08 Letter to SC Supreme Court.pdf](#)  
[2024.01.08 Certificate of Service.pdf](#)  
[2024.01.08 Statement of Costs on Appeal.pdf](#)  
[2024.01.08 Memorandum in Support of Motion for Costs on Appeal.pdf](#)  
[2024.01.08 Motion for Costs on Appeal.pdf](#)

RECEIVED

Jan 08 2024

S.C. SUPREME COURT

\*\*\* **EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. \*\*\*

Please see attached.

Marlene L. Day  
Paralegal to Patrick J. McLaughlin  
Wukela Law Firm  
403 Second Loop Road  
P.O. Box 13057  
Florence, SC 29504-3057  
(843) 669-5634 Ext. 116  
(843) 669-5150 (Fax)

# WUKELA LAW FIRM

Steve Wukela, Jr.  
Benjamin D. Moore  
Christi B. McDaniel  
Stephen J. Wukela  
Patrick J. McLaughlin  
Pheobe A. Clark  
Frank C. Swaggard

403 Second Loop Road  
P.O. Box 13057  
Florence, SC 29504-3057

(843) 669-5634  
FAX (843) 669-5150

January 8, 2024

Via Email Only – [supctfilings@sccourts.org](mailto:supctfilings@sccourts.org)  
Honorable Patricia A. Howard  
Clerk, South Carolina Supreme Court  
P.O. Box 11330  
Columbia, SC 29211

**RECEIVED**

**Jan 08 2024**

**S.C. SUPREME COURT**

RE: Appellate Case No. 2023-000757  
Civil Action Case No. 2021-CP-18-1846  
John Trenton Pendarvis v. L. C. Knight, in his official capacity as Dorchester County Sheriff; Mark Keel, in his official capacity as Chief of the South Carolina Law Enforcement Division; Hugh E. Weathers, in his official capacity as the South Carolina Commissioner of Agriculture; and John Does(s)

Dear Ms. Howard:

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.

Yours truly,

WUKELA LAW FIRM

PATRICK J. MCLAUGHLIN

PJM:mld  
Enclosures

cc: Daniel C. Plyler – via email: [Daniel.Plyler@smithrobinsonlaw.com](mailto:Daniel.Plyler@smithrobinsonlaw.com)  
Austin T. Reed – via email: [austin.reed@smithrobinsonlaw.com](mailto:austin.reed@smithrobinsonlaw.com)  
Fred Hanna – via email: [fred.hanna@smithrobinsonlaw.com](mailto:fred.hanna@smithrobinsonlaw.com)  
C. Bradley Hutto – via email: [cbhutto@williamsattys.com](mailto:cbhutto@williamsattys.com)

**RECEIVED**

**Jan 08 2024**

**SC Court of Appeals**