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Jan 17 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable Mikell R. Scarborough
Master-in-Equity

Appellate Case No. 2023-001562

The Broadband Companies, LLC, and
Fred Anthony,

Appellants

v.

R&R Landscape and Design, LLC, f/k/a
R&R Landscape, Inc., and Mark Gonzalez

Respondents.

MOTION FOR TAXATION OF COSTS

Pursuant to Rules 222 and 240 of the South Carolina Appellate Court Rules, Respondents R&R Landscape and Design, LLC and Mark Gonzalez, through their undersigned counsel, hereby move for taxation of costs against Respondents The Broadband Companies, LLC and Fred Anthony.

Pursuant to Rule 222, SCACR, this Motion is being filed within fifteen (15) days of issuance of the remittitur, which was issued by the Court on January 2, 2024.

The grounds for Respondents' Motion are as follows:

Appellants filed and served a Notice of Appeal as to certain Orders on October 3, 2023. On October 23, 2023, the Court of Appeals issued a deficiency letter to Appellants, noting that the time to order the transcript had expired and instructing Appellants to (1) file a copy of the letter showing

that they ordered the transcript, and (2) file a Motion for permission to order the transcript outside of the filing deadline set by Rule 207, SCACR. Appellant did not comply with the Court's instructions.

On November 2, 2023, Respondents filed a Motion to Dismiss the Appeal and For Expedited Hearing, wherein they argued that the appeal should be dismissed because (1) Appellants had not preserved any issues for appeal, having failed to raise even a single objection in the lower court as to the orders it sought to appeal, (2) Appellants had filed the instant action for the impermissible purpose of delay and as part of a concerted and well-documented effort to "run out the clock" on Plaintiffs' ability to collect on a judgment,¹ and (3) Appellants had not complied with the appellate court rules and this Honorable Court's instructions.

On November 7, 2023, Appellants filed a Return to the Motion to Dismiss, wherein they failed to cite a single case, rule, or statute in support of maintaining their appeal. On November 9, 2023, Respondents filed a Reply to Appellant's Return, noting, *inter alia*, that Appellants had still not complied with the instructions set forth in Court of Appeals' deficiency letter.

On November 28, 2023, the Court of Appeals issued an Order denying Respondents' Motion to Dismiss the appeal and denying Appellant's "motion to confirm existence of automatic stay and enforcing compliance." Following the Order, Appellants took no further steps to perfect their appeal. As a result, the Court of Appeals dismissed the Appeal on December 14, 2023, noting that Appellants had not complied with the Court's prior instructions, having failed to order the transcript pursuant to Rule 207. Appellants did not seek a rehearing on the Order dismissing their appeal.

Pursuant to Rule 222(a) and (b), SCACR, "costs **shall** be taxed against the appellant when

¹ This is precisely what later occurred, as Appellants waited until the judgment had expired before supplying court-ordered financial documents to Respondents, and only provided the information so as to purge their contempt and allow for Fred Anthony's release from jail.

the appeal is dismissed” and “the party entitled to recover costs under the rule **shall** be entitled to recover an attorney’s fee in an amount which shall be set by order of the Supreme Court. [Emphasis added]. By order dated January 17, 2018, the amount of attorney’s fees was set by the Supreme Court at \$2,500.00.

Pursuant to Rule 222(d), a sworn, itemized statement of costs against each of the Appellants is attached hereto, requesting \$2,680.00 from Appellant Fred Anthony and \$2,500.00 from Appellant the Broadband Companies, LLC, for a total of \$5,180.00 in costs.

Accordingly, Respondents respectfully request that this Honorable Court grant their Motion for Taxation of Costs and that Appellants be required to make payment of said costs to counsel for Respondents.

[Signatures on following page]

Respectfully submitted,

THE LAW OFFICE OF JESSE SANCHEZ, LLC

s/Jesse Sanchez

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KNOWLES LAW FIRM P.C.

s/Brian M. Knowles

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MCARTY LAW FIRM P.C.

s/I. Keith McCarty

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Attorney for Respondents
R&R Landscape and Design, LLC and Mark Gonzalez

January 17, 2024
Mount Pleasant, South Carolina

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Respondents.

PROOF OF SERVICE

I, the undersigned, certify that I have served Respondent's *Motion for Taxation of Costs* via electronic mail on Dwayne Green, Esquire, and Shawn M. French, Esq., Counsel for Appellants The Broadband Companies, LLC, and Fred Anthony, at their AIS-designated email address (dwayne@greenlawsc.com and shawn@thefrenchlawfirm.com) on January 17, 2024.

Pursuant to Rule 262(C)(3), SCACR, and the Order of The Supreme Court of South Carolina, RE: Methods of Electronic Filing Under Rule 262 of the South Carolina Appellate Court Rules (As Amended May 6, 2022), a copy of the aforementioned email correspondence to counsel is attached.

THE LAW OFFICE OF JESSE SANCHEZ, LLC

s/Jesse Sanchez

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Mount Pleasant, SC 29464

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(843) 814-8181

Attorney for Respondents

Mount Pleasant, South Carolina

January 17, 2024



From: Jesse Sanchez jesse@jessesanchezlaw.com 
Subject: R&R Landscape and Design, LLC v. The Broadband Companies, LLC - Appellate Case No. 2023-001562
Date: January 17, 2024 at 5:13 PM
To: ShawnM French, Sr. shawn@thefrenchlawfirm.com, Dwayne Green dwayne@greenlawsc.com, Dwayne Green dwayne.greenlawoffices@gmail.com, Brian Knowles brian@knowlesinternational.com, Keith McCarty ikeithmccarty@gmail.com

Shawn and Dwayne,

Attached for service, please find Respondents' Motion for Taxation of Costs and corresponding Cover Letter, both of which are being filed momentarily with the Court of Appeals via OneDrive Electronic submission.

Regards,

Jesse

--

PLEASE NOTE WE HAVE A NEW ADDRESS:

Jesse Sanchez
The Law Office of Jesse Sanchez, LLC
751 Johnnie Dodds Blvd., Suite 200
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**RR Landscape v Broadband -
Motion for Costs.pdf**



Letter to Kitchings 011724.pdf
100 KB



January 17, 2024

VIA ONEDRIVE ELECTRONIC SUBMISSION
AND U.S. First Class Mail

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



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Jan 17 2024

SC Court of Appeals

RE: R&R Landscape and Design, LLC, and Mark Gonzalez, Respondents,
v. The Broadband Companies, LLC and Fred Anthony, Appellants.
Appellate Case No. 2023-001562

Dear Ms. Kitchings:

Enclosed for filing please find the following:

- (1) Respondents' Motion for Taxation of Costs, and
- (2) Proof of Service

A check for the fifty-dollar (\$50.00) filing fee has been placed in today's outgoing mail. Thank you for your assistance with this matter. Should you have any questions or wish to discuss the filing, please do not hesitate to contact me directly.

Sincerely,

s/Jesse Sanchez

Jesse Sanchez (SC Bar No. 101906)

Enclosures (as stated)

Cc: Dwayne Green, Esq. (Via Email Only)
Shawn M. French, Esq. (Via Email Only)
I. Keith McCarty, Esq. (Via Email Only)
Brian M. Knowles, Esq. (Via Email Only)

THE LAW OFFICE OF JESSE SANCHEZ, LLC

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