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Feb 08 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY

Court of Common Pleas

Roger M. Young, Sr., Circuit Court Judge

Court of Appeals Case No. 2020-000232

Case No. 2017-CP-10-3768

Charleston Laboratories, Inc.....Appellant,

v.

Womble, Carlyle, Sandridge & Rice, LLPRespondent.

RESPONDENT WOMBLE CARLYLE SANDRIDGE & RICE, LLP'S MOTION FOR COSTS ON APPEAL

Pursuant to Rule 222 and Rule 240, SCACR, Respondent Womble Carlyle Sandridge & Rice, LLP hereby submits this motion for costs on appeal. For the reasons set forth below, the Court should grant this motion and award costs.

On February 13, 2020, Appellant filed its Notice of Appeal from the Order of the Honorable Roger M. Young, Sr. dated January 30, 2020 granting Defendant's Motion to Reconsider Order Denying Summary Judgment. After full briefing and oral argument, this Court affirmed the lower court's finding that Charleston Laboratories, Inc.'s malpractice claim was barred by the statute of limitations. See Opinion No. 2023-UP-388. The judgment was affirmed in

its entirety, and the Court issued the remittitur to the lower court on January 31, 2024. Respondent hereby moves the Court for fees and costs as permitted by Rule 222, SCACR.

As required by subsection (d) of Rule 222, this motion is “accompanied by a sworn itemized statement of costs incurred in the form prescribed by the Appendix to these rules.” Per the enclosed sworn statement of itemized costs, Respondent is seeking \$2,691.76 in costs on appeal from Appellant.

By: s/Benjamin R. Gooding
Robert E. Stepp (SC Bar No. 5335)
Benjamin R. Gooding (SC Bar No. 100620)
Jasmine D. Smith (SC No. 100758)
Robinson Gray Stepp & Laffitte, LLC
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ATTORNEYS FOR RESPONDENT

February 7, 2024

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PROOF OF SERVICE

I certify that I have caused the **Respondent’s Motion for Costs on Appeal and Statement of Fees and Costs** to be served on Appellant Charleston Laboratories, Inc., via email, to Appellant’s attorneys of record Ronald L. Richter, Jr., Esquire, Scott M. Mongillo, Esquire and Eric S. Bland, Esquire via their respective AIS registered email addresses. Copy of service email attached herewith.

By: s/Benjamin R. Gooding

Robert E. Stepp (SC Bar No. 5335)
Benjamin R. Gooding (SC Bar No. 100620)
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ATTORNEYS FOR RESPONDENT

February 8, 2024

From: [Cynthia D. Nygord](#)
To: ronnie@blandrichter.com; scott@blandrichter.com; [Eric S. Bland](#)
Cc: [Benjamin Gooding](#); [Bobby Stepp](#); [Jasmine D. Smith](#); [Dara Carmichael](#); [Cynthia D. Nygord](#)
Subject: 2020-00232 - Motion for Costs on Appeal and Statement of Fees & Costs
Date: Thursday, February 8, 2024 3:54:54 PM
Attachments: [image001.png](#)
[Motion for Costs on Appeal - for filing.pdf](#)
[Respondent's Statement of Fees & Costs with exhibit - for filing.pdf](#)
[Proof of Service - Respondent's Motion for Costs on Appeal and Statement of Fees and Costs.pdf](#)

Dear Counsel:

Attached herewith for service upon you as counsel for Appellant Charleston Laboratories, Inc., please find Respondent's Motion for Costs on Appeal, Statement of Fees and Costs, and Proof of Service for the same which will be filed with the SC Court of Appeals this afternoon.

A copy of this email will be filed with the Proof of Service.

With kindest regards,
Cyndi Nygord



CYNDI NYGORD PARALEGAL

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