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Feb 16 2024

SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

Teasa K. Weaver, Master-in-Equity

C.A. No.: 2020-CP-46-00549
Appellate Case No. 2022-001650

LB PARK, LLCRespondent,

v.

San Juan Holdings, Bret Osborne, the trustee; Brett Osborne as Trustee of San Juan Holdings; Ryan Powell; and John Doe and Mary Roe, representing all unknown persons having or claiming to have any right, title, or interest in or to, or lien upon, the real estate described as 250056 Timberlake Drive, York County, South Carolina, TMS 643-10-01-023, their heirs and assigns, and all other persons, firms, or corporations entitled to claim under, by or through the above named Defendant(s), and all other persons or entities unknown claiming any right, title, interest, estate in, or lien upon, the real estate described as 25056 Timberlake Drive, York County, South Carolina, TMS 643-10-01-023 Defendants.

of whom Ryan Powell is theAppellant.

MOTION FOR COSTS

Respondent hereby moves this Court to award its recoverable costs and attorney’s fees pursuant to Rules 222, SCACR. Respondent was the prevailing party in the above-captioned appeal. A sworn, itemized statement of costs incurred is attached hereto.

In addition to the Supreme Court-set fee award of \$2,500, Respondent seeks an additional \$9,735 in attorney’s fees to compensate Respondent for the fees attributable to responding to Ryan Powell’s numerous, frivolous motions and petitions in this matter. Respondent has only asked to

recover those fees billed by its primary counsel for the appeal, not all timekeepers, and has limited this request to the motions listed below, not the fees incurred in the regular course of briefing.

A review of the C-Track index for this appeal shows that this has not been a routine matter, but rather one that Appellant has unduly complicated and dragged out at every turn. (Attached as Ex. A). Appellant’s motions/ petitions at issue and the costs in responding are shown in the table below:

<u>Motion/ Petition</u>	<u>Date</u>	<u>Fees Incurred In Response</u>
Verified Emergency Ex-Parte Petition for Injunction	11/28/2022	\$1,320
Emergency, Ex Parte, Verified Petition for Supersedeas	2/6/2023	\$1,395
Expedited Motion to Reduce or Eliminate Appeal Bond	3/9/2023	\$765
Motion to Strike Respondent’s Initial Brief and Designation of Matter	5/15/2023	\$900
Motion to Reinstate	8/15/2023	\$1,125
Petition for Writ of Certiorari to the South Carolina Court of Appeals	10/17/2023	\$4,230

This appeal is just one in a series of actions taken by Powell in an effort to prevent the Respondent from quieting its tax title. This pattern of delay has prevented the Respondent from enjoying its property and has required to the Respondent to expend tremendous sums in attorney’s fees. Given these extraordinary circumstances, Respondent asks that this Court award additional costs in the amount of \$9,735.

Respectfully submitted,

HAYNSWORTH SINKLER BOYD, P.A.

s/ Sarah P. Spruill

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Attorneys for Respondent

LB PARK, LLC

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of whom Ryan Powell is theAppellant.

PROOF OF SERVICE

I certify that I have served the Respondent's *Motion for Costs* on all parties of record by depositing a copy of the same in the United States Mail, postage prepaid, on February 16, 2024, addressed to:

Ryan Powell
287 East Hawfields
Pittsboro, NC 27312


Stacey Carberry, Legal Assistant

**HAYNSWORTH
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February 16, 2024

VIA EMAIL & U.S. MAIL

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: *LB Park, LLC v. San Juan Holdings (2)*
Appellate Case No. 2022-001650

Dear Ms. Kitchings:

This firm represents the Respondent LB Park, LLC in the above-captioned matter. Enclosed for filing, please find Respondent's *Motion for Costs* together with our Proof of Service for the same. Enclosed is our firm's check to cover the cost of the filing fee (w/ mailed copy).

Please note service on counsel of record by copy of this letter. If you have any questions, please give me a call. Thank you for your assistance in this matter.

Sincerely yours,

HAYNSWORTH SINKLER BOYD, P.A.



Sarah P. Spruill

SPS/sac
Enclosure

Cc: Ryan Powell
A. Parker Barnes, III (pbarnes@hsblawfirm.com)

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