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**Mar 25 2024**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY  
L. Casey Manning, Circuit Court Judge

Appellate Case No. 2020-001189  
Case No. 2019-CP-40-3032

South Carolina Coastal Conservation League, Inc., Elizabeth M. Smith,  
Abraham B Jenkins, Jr., and South Carolina Public Interest Foundation..... Plaintiffs,

of whom the South Carolina Coastal Conservation League, Inc., Elizabeth  
M. Smith, and Abraham B. Jenkins, Jr. are the, ..... Appellants,

v.

Charleston County, South Carolina, South Carolina Transportation  
Infrastructure Bank, and South Carolina Department of Transportation, ..... Respondents.

**MOTION FOR COSTS ON APPEAL  
OF RESPONDENT SOUTH CAROLINA  
DEPARTMENT OF TRANSPORTATION**

The Respondent South Carolina Department of Transportation moves this Court, pursuant to Rule 222(d), SCACR, to tax costs on appeal in the amount of \$2,524.88 against the Appellants South Carolina Coastal Conservation League, Inc., Elizabeth M. Smith, and Abraham B. Jenkins, Jr.

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.

LINDEMANN LAW FIRM, P.A.

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*Counsel for Respondent South Carolina  
Department of Transportation*

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**MEMORANDUM IN SUPPORT OF  
MOTION FOR COSTS ON APPEAL  
OF RESPONDENT SOUTH CAROLINA  
DEPARTMENT OF TRANSPORTATION**

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On February 21, 2024, the South Carolina Court of Appeals issued a published opinion in which the Court ruled that “the circuit court's order of dismissal is affirmed for all claims with the exception of Appellants' FOIA claim related to the vote taken after the special finance committee returned from executive session and the claim for attorneys' fees attributable to that claim, should they prevail.” (Slip Op. at 8). Accordingly, the dismissal of the Appellants’ claims against the Respondent South Carolina Department of Transportation was affirmed in toto. The Appellants’ remaining FOIA claim is not directed against the Respondent South Carolina Department of Transportation.



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Charleston County, South Carolina, South Carolina Transportation  
Infrastructure Bank, and South Carolina Department of Transportation, ..... Respondents.

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 Lindemann Law Firm, P.A., counsel for the Respondent South Carolina Department of Transportation, does hereby certify that service of the **Motion for Costs on Appeal of Respondent South Carolina Department of Transportation, Memorandum in Support of Motion for Costs on Appeal of Respondent South Carolina Department of Transportation,** and the **Statement of Costs on Appeal** in the above-captioned matter was made upon all counsel of record by email only this the 25th day of March 2024 as follows:

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March 25, 2024

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**SC Court of Appeals**

**Via Email Only**

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
Email: [ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)

RE: South Carolina Coastal Conservation League, Inc., Elizabeth M. Smith, Abraham B Jenkins, Jr., and South Carolina Public Interest Foundation v. Charleston County, South Carolina, South Carolina Transportation Infrastructure Bank, and South Carolina Department of Transportation  
Appellate Case Number: 2020-001189  
Civil Action Number: 2019-CP-40-3032  
Our File Number: 79.20422

Dear Ms. Kitchings:

Pursuant to Section (b)(2) 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), please find enclosed for filing by email only the **Motion for Costs on Appeal of Respondent South Carolina Department of Transportation, Memorandum in Support of Motion for Costs on Appeal of Respondent South Carolina Department of Transportation**, and the **Statement of Costs on Appeal** in the above referenced matter. In accordance with Section (d)(1) of this same Order, I am hereby serving copies on all counsel of record.

The Respondent South Carolina Department of Transportation is exempt from the \$50.00 filing fee. Thank you for your assistance in this matter. If you have any questions, please advise.

Sincerely,

LINDEMANN LAW FIRM, P.A.

Andrew F. Lindemann

AFL/jmb  
Enclosures

The Honorable Jenny Abbott Kitchings  
March 25, 2024  
Page Two

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cc: W. Andrew Gowder, Jr., Esquire (*w/ Enclosures, Via Email Only*)  
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Robert E Tyson, Jr., Esquire (*w/ Enclosures, Via Email Only*)  
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