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**Mar 25 2024**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM RICHLAND COUNTY  
Circuit Court

L. Casey Manning, Circuit Court Judge

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Case No.: 2019-CP-40-03032  
Appellate Case No. 2020-001189

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South Carolina Costal Conservation League, Inc., Elizabeth M. Smith,  
Abraham B. Jenkins, Jr. .... Appellants,

and

South Carolina Public Interest Foundation ..... Plaintiff,

v.

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

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**RESPONDENT SOUTH CAROLINA  
TRANSPORTATION INFRASTRUCTURE BANK’S  
MOTION FOR COSTS ON APPEAL**

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Pursuant to Rule 222 and Rule 240, SCACR, Respondent South Carolina Transportation Infrastructure Bank hereby submits this motion for costs on appeal. For the reasons set forth below, the Court should grant this motion and award costs.

On August 31, 2020, Appellants filed their Notice of Appeal from the Orders of the Honorable L. Casey Manning dated February 24, 2020, and August 3, 2020, granting a Motion to Dismiss. On February 21, 2024, after full briefing and oral argument, this Court affirmed the order of dismissal “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.” The Court affirmed the dismissal of all claims against Respondent South Carolina Transportation Infrastructure Bank. Appellants’ remaining FOIA claim is not directed against Respondent South Carolina Transportation Infrastructure Bank. The Court issued the remittitur to the lower court on March 8, 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 2,529.40 in costs on appeal from Appellants.

By: s/Robert E. Tyson, Jr.  
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**PROOF OF SERVICE**

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I hereby certify that a copy of the foregoing document, **Respondent’s Motion for Costs on Appeal and Statement of Fees and Costs** has been served on the following parties by electronic mail this 25th day of March 2024:

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**Subject:** Case No. 2020-001189; SC Conservation League v Charleston County, et al.  
**Date:** Monday, March 25, 2024 6:03:42 PM  
**Attachments:** [image001.png](#)  
[SC Transportation Infrastructure Bank Motion for Cost\(39081720.1\).pdf](#)

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Dear Counsel:

Attached herewith for service upon you, 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.

Thank you. Rob



**ROBERT E. TYSON JR. MEMBER**

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