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Mar 28 2024

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

The Honorable Joseph M. Strickland, Master-in-Equity

Appellate Case No.: 2017-001795
Civil Action No.: 2014-CP-40-01805

Raglins Creek Farms, LLC,Respondent,

v.

Nancy Dunn Martin,Appellant.

APPELLANT’S MOTION FOR COSTS

Joey R. Floyd
Wesley D. Peel
Chelsea J. Clark
Bruner, Powell, Wall & Mullins, LLC
P.O. Box 61110
Columbia, SC 29260
(803) 252-7693
Attorneys for Appellant

MOTION

This case was before the Court on the appeal of Nancy Dunn Martin (“Appellant”). Having prevailed in this appeal, Appellant now moves the Court for an order awarding fees and costs pursuant to Rule 222, SCACR.

On February 15, 2023, this Court entered a dispositional order in favor of Appellant. On April 20, 2023, this Court denied rehearing. On March 26, 2024, the Supreme Court denied Respondent’s petition for writ of certiorari. This Court entered a remittitur to the lower court on March 28, 2024, finalizing judgment in favor of Appellant. This motion follows within fifteen days pursuant to Rule 222(d), SCACR.

Pursuant to Rule 222(a), SCACR, when a “judgment is reversed, costs shall be taxed against the respondent unless the court orders otherwise.” Under Rule 222(b), SCACR, Appellant may seek to recover her filing fee, the cost of the trial transcript, and the costs of printing the record on appeal and final briefs. Additionally, Appellant may seek an award of \$2,500.00 in attorney’s fees. *See* Rule 222(b), SCACR.

Appellant’s expenses are as listed in the table below. Additionally, Appellant has incurred attorney’s fees well in excess of \$2,500.00 to prosecute this appeal. An affidavit of counsel, attesting to the fees and costs, is attached as **Exhibit A**, as required by Rule 222(d), SCACR.

| | | |
|------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-------------------|
| Fee to the Court of Appeals for filing appeal | August 22, 2017 | \$100.00 |
| Fee to Creel Court Reporting for Trial Transcript | April 21, 2016 | \$2,542.15 |
| Fee to Nova Office Strategies for Printing Bound Copies of Appellant’s Brief, Appellant’s Reply Brief, and the Record on Appeal (6 each) | June 1, 2022 | \$434.22 |
| | Costs Subtotal | \$3,076.37 |
| Attorney’s fees | | \$2,500.00 |
| | Fees Subtotal | \$2,500.00 |
| | TOTAL | \$5,576.37 |

Appellant requests that the Court enter an order awarding her \$5,576.37 in fees and costs as the prevailing party in this appeal.

Respectfully submitted,

BRUNER, POWELL, WALL & MULLINS, LLC

s/ Chelsea J. Clark

Joey R. Floyd, Bar No. 68491

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PROOF OF SERVICE

The undersigned certifies that she has served **Appellant’s Motion for Costs** upon counsel for Respondent by attachment to AIS-registered email address, pursuant to Order of the Supreme Court in re: Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules as follows:

Valerie Garcia Giovanoli (102524)
D. Ryan McCabe, Jr. (16977)

valerie.giovanoli@mccabetrotter.com
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s/ Chelsea J. Clark (102211)

March 28, 2024
Columbia, South Carolina


Motion in Raglins Creek Farms, LLC v. Nancy D. Martin 2017-001795

Chelsea Clark <cclark@brunerpowell.com>

Thu 3/28/2024 3:09 PM

To:valerie.giovanoli@mccabetrotter.com <valerie.giovanoli@mccabetrotter.com>;ryan.mccabe@mccabetrotter.com
<ryan.mccabe@mccabetrotter.com>

Cc:Joey Floyd <jfloyd@brunerpowell.com>

 3 attachments (783 KB)

Motion for Costs.pdf; Motion for Costs - Affidavit.pdf; Proof of Service (Mot for Costs).pdf;

Good afternoon,

Please find attached for service Appellant's Motion for Costs, Exhibit A, and Proof of Service.

Thank you,

Chelsea J. Clark, Esq.

BrunerPowell

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