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Apr 25 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Benjamin H. Culbertson, Circuit Court Judge

Case Number 2019-CP-26-05892

Appellate Case No. 2022-000082

RONALD L. MIMS,

Appellant,

vs.

DIANE W. RAY

Respondent.

RESPONDENT'S MOTION FOR AWARD OF COSTS ON APPEAL

Respondent Diane W. Ray, pursuant to Rule 222, SCACR, respectfully moves for entry of an order taxing costs against Appellants. In support of this motion, Respondents would show as follows:

1. On January 24, 2022, Appellant appealed the circuit court's order granting summary judgment in favor of the Respondent. On May 11, 2023, this Court affirmed the circuit court's decision. On May 26, 2023, Appellant filed a petition for rehearing which was denied by this Court on July 5, 2023. On August 24, 2023, Appellant filed a Petition for Writ of Certiorari with the

South Carolina Supreme Court. The petition was denied on April 16, 2024. Accordingly, Respondent is the prevailing party on appeal.

2. This Court issued its remittitur on April 18, 2024.

3. Respondent timely filed with this Court, and served on counsel for Appellant, an itemized statement of costs on April 25, 2024.

4. Respondent is entitled to an award of costs under Rule 222(a), SCACR.

5. Accompanying this motion is a sworn itemized statement of costs incurred in the form prescribed by the appendix to the South Carolina Appellate Court Rules. See attached **Exhibit "A"**.

6. Respondent requests that this Court tax costs against Appellant as set forth in **Exhibit "A"** up to the maximum amount allowed under Rules 222 and 242 SCACR.

Respectfully submitted,

THE PEARCE LAW GROUP, P.C.

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CERTIFICATE OF SERVICE

I, Tameika Jackson, a paralegal for The Pearce Law Group, P.C., attorneys for Respondent Diane W. Ray, in the above-entitled action, certify that I have served the Respondent's Motion for Award of Costs on Appeal pursuant to Rule 222, SCACR on the Appellant at the below address via electronic mail.

GEORGE SINK, P.A. INJURY LAWYERS
Robert E. Treacy, Jr., Esquire
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Patrick T. Napolski, Esquire
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THE PEARCE LAW GROUP, P.C.



Tameika Jackson, Paralegal

April 25, 2024

April 25, 2024

VIA U.S. Mail and Electronic Mail

The Honorable Jenny Abbott Kitchings
c/o Stormy Falin (Clerk's Office Team Leader (Civil))
South Carolina Court of Appeals Clerk of Court
1220 Senate Street
Columbia, SC 29201

Re: *Ronald L. Mims v. Diane R. Ray*
Appellate Case No.: 2022-000082

Dear Madam Clerk:

Please find enclosed for filing the following:

- (1) Motion for Award of Costs on Appeal
- (2) Certificate of Service; and
- (3) Check for Filing Fee in the amount of \$50.00.

Also, an electronic copy of the above-referenced documents have been emailed to the Clerk's office.

If you have any questions, please do not hesitate to contact our office at **(843) 839-3210**.

Sincerely,

THE PEARCE LAW GROUP, P.C.



Tameika Jackson, Paralegal

Enclosures

cc: Patrick T. Napolski, Esquire (Via Electronic Mail Only)
Robert E. Treacy, Jr., Esquire (Via Electronic Mail Only)