

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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May 23 2024

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

S.C. SUPREME COURT

The Honorable Walton J. Mcleod, Circuit Court Judge

Appellate Case No. 2019-001950
Civil Action No. 2018-CP-32-01746

J&H Grading & Paving, Inc.,.....Respondent,

v.

Clayton Construction Company, Inc.,.....Appellant.

RESPONDENT'S MOTION FOR COST PURSUANT TO RULE 222 SCACR

Respondent, J&H Grading & Paving, Inc., by and through its undersigned attorney, hereby
moves this Honorable Court to tax the following cost against the Appellant in this matter.

Costs Taxable Under Rule 222, SCACR	No. of Pages	Rate	Requested	Allowed (For Court use only)
Cost of Printing Party's Final Brief			\$64.16	_____
Attorney's Fee			\$2,500	_____

MOTION

This case was before the Court on the appeal of Clayton Construction Company, Inc. (“Appellant”). Having prevailed on this appeal, J&H Grading & Paving, Inc, (“Respondent”) now moves the Court for an order awarding fees and cost pursuant to Rule 222, SCACR.

On August 30, 2023, this Court affirmed the judgment of the Lexington County Circuit Court. On October 11, 2023, this Court denied rehearing. On May 22, 2024, the South Carolina Supreme Court denied Appellant’s petition for writ of certiorari. This Court entered a remittitur to the lower court on May 22, 2024, finalizing judgment in favor of Respondent. This motion follows within fifteen days pursuant to Rule 222(d), SCACR.

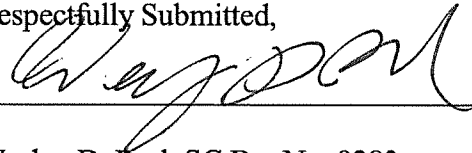
Pursuant to Rule 222(a) “cost shall be taxed against the appellant when the appeal is dismissed or judgment on appeal is affirmed.” Under Rule 222(b) SCACR, Respondent may seek to recover their filing fee, the cost of the trial transcript, the cost of printing the record on appeal and final briefs. Additionally, Respondent may seek an award of \$2,500.00 in attorney’s fees. *See* Rule 222(b), SCACR.

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

Fee to Nova Office Strategies for Printing bound Copies of Respondent’s Brief,	CHECK DT	\$64.16
	Cost Subtotal	\$64.16
Attorney’s fees		\$2,500.00
	Fees Subtotal	\$2,500.00
	Total	\$2,564.16

Respondent requests that the Court enter an order awarding them \$2,564.16 in fees and cost as the prevailing party in this appeal.

Respectfully Submitted,



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Columbia, South Carolina
May 23, 2024