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May 23 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

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.

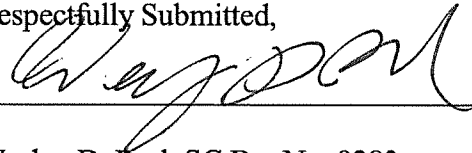
Pursuant to Rule 222(a) “cost shall be taxed against the appellant when the appeal is dismissed or judgment on appeal is affirmed.” Under Rule 222(b) SCACR, Respondent may seek to recover their filing fee, the cost of the trial transcript, the cost of printing the record on appeal and final briefs. Additionally, 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
	<b>Cost Subtotal</b>	<b>\$64.16</b>
Attorney’s fees		\$2,500.00
	<b>Fees Subtotal</b>	<b>\$2,500.00</b>
	<b>Total</b>	<b>\$2,564.16</b>

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

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**THE STATE OF SOUTH CAROLINA  
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APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

The Honorable Walton J. McLeod, IV, Circuit Court Judge

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

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Clayton Construction Company, Inc.....Petitioner,

vs.

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

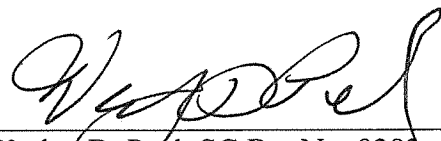
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**PROOF OF SERVICE**

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The undersigned hereby certifies that a true copy of J&H Grading and Paving, Inc.'s MOTION FOR COST PURSUANT TO RULE 222 SCACR in the captioned matter has been served on all parties of record by emails a copy of the same this 23<sup>rd</sup> day of May 2024, addressed as follows:

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