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May 30 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM GEORGETOWN COUNTY
Court of Common Pleas

The Honorable Benjamin H. Culbertson, Circuit Court Judge

Case No. 2020-CP-22-00930
Case No. 2020-CP-22-00931
Case No. 2020-CP-22-00932
Appellate Case No. 2021-000757

M. Baron Stanton,Appellant,

v.

Town of Pawleys Island,Respondent.

and

Franklin D. Beattie, as trustee of the Franklin D. Beattie
Preservation Trust,Appellant,

v.

Town of Pawleys Island,Respondent.

and

Sunset Lodge, LLC,Appellant,

v.

Town of Pawleys Island,Respondent.

RESPONDENT’S REPLY IN SUPPORT OF MOTION FOR COSTS

William C. Dillard, Jr. (SC Bar No. 78986)
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Attorneys for Respondents

Respondent Town of Pawleys Island (“Town”) hereby submits its Reply in support of its Motion for Costs under Rule 222(a), SCACR. The wording of Rule 222(a), providing that “unless otherwise ordered by this appellate court . . . costs shall be taxed against the appellant when the appeal is dismissed or judgment on appeal is affirmed”, makes it clear that an award of costs is the default outcome absent unusual circumstances. Accordingly, awards of the set attorney fee are routinely issued. See, e.g., Hoefler Fam. Ltd. P'ship v. Cnty. of Charleston, 360 S.C. 403, 404, 602 S.E.2d 47 (2004); Taylor v. Medenica, 332 S.C. 324, 326, 504 S.E.2d 590, 591 (1998); Cerny v. Salter, 311 S.C. 430, 433, 429 S.E.2d 809, 811 (1993).

In their *Return*, the Appellants once more raise arguments that were at issue during the appeal, but they do not cite any authority or state any legitimate grounds for the Court to deny costs. This appeal required significant attorney time over issues that, respectfully, Respondent contends did not need to be submitted to appellate review in the first place. The Order of Dismissal appealed from specifically provided that the dismissal was “without prejudice to any claims that the [Appellants] may wish to assert at a later time” and reserved the right for Appellants to assert any claims they may have for attorney fees. (R. p.11). Respondent’s Motion to Dismiss specifically requested that the dismissal be made in this even-handed manner (R. p.361). Nonetheless, Appellants responded with this appeal and presented significantly voluminous briefing with which the Respondent had to engage (for example, Appellants’ 45-page *Final Brief* lists 26 purported issues on appeal and contains multiple pages worth of single-spaced footnotes). After review, this Court then affirmed the circuit court based on well-established case law and statutory provisions.

It would be inequitable to deny the Respondent’s routine petition for costs under these circumstances. Nothing about the Respondent’s status as a public entity, or any other issues raised by Appellants, would justify a denial of the set amount of attorney fees.

[

Respectfully submitted,

s/ William C. Dillard, Jr.

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PROOF OF SERVICE

I certify that I have served the *Respondent's Reply in Support of Motion for Costs* by causing a copy to be e-mailed on **May 30, 2024** to counsel of record as listed below:

M. Baron Stanton (bstanton@stantonlaw.com)

May 30, 2024

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