

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM BERKELEY COUNTY  
Court of Common Pleas

Roger M. Young, Sr., Circuit Court Judge

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Case No. 2011-CP-08-985

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**RECEIVED**

AUG 29 2013

**S.C. SUPREME COURT**

Cape Romain Contractors, Inc. .... Respondent,

v.

Wando E, LLC and Sean Barnes ..... Appellant

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**RETURN TO MOTION TO TAX COSTS**

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The Respondent, making return to the Motion to Tax Costs, would respectfully show:

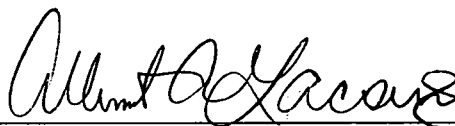
1. That the Supreme Court effectively overruled all existing South Carolina cases and imported the current Federal case law regarding the nature of the interstate commerce requirement for arbitration under the Federal Arbitration Act, when deciding this Appeal.
2. That the Supreme Court certified the within appeal for review by the Supreme Court on its own motion under Rule 204(b) in order to address the issues concerning Interstate Commerce.
3. That the Supreme Court affirmed the trial Judge's ruling that Wando E, a

non-party to the arbitration agreement, could not compel arbitration.

4. That the foregoing constitutes good and sufficient cause for the Court to either refrain from awarding costs, or reduce the award of costs as provided in SCACR Rule 222(a).

Respectfully Submitted,

CLAWSON AND STAUBES, LLC.



Albert A. Lacour, III  
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Attorney for Respondent

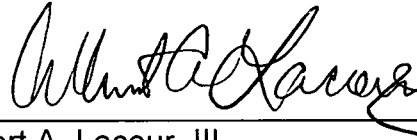
Charleston, South Carolina  
 2013

**PROOF OF SERVICE**

I, Albert A. Lacour, III, Counsel for the Respondent, hereby certify that I have served the within Return to Motion to Tax Costs by depositing a copy of the same in the United States Mail, postage prepaid, addressed to the following:


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