

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM MARION COUNTY
Court of Common Pleas
William H. Seals, Jr., Circuit Court Judge

Civil Action Case No. 2019-CP-33-0675
Appellate Case No. 2023-001466

RECEIVED

Aug 23 2024

S.C. SUPREME COURT

RECEIVED

Sep 05 2024

SC Court of Appeals

John Trenton Pendarvis and Lawton Drew Respondents,

v.

South Carolina Law Enforcement Division and
South Carolina Department of Agriculture..... Defendants,


Of whom South Carolina Law Enforcement Division is the Appellant Appellant.

MOTION FOR COSTS ON APPEAL

The Respondents, John Trenton Pendarvis and Lawton Drew, move this Court, pursuant to Rule 222(d), SCACR, to tax costs on appeal in the amount of \$50.00 against Appellant, South Carolina Law Enforcement Division and South Carolina Department of Agriculture.

This motion is based on the grounds as set forth in the supporting Memorandum filed herewith.

The requested costs on appeal are set forth in the Statement of Costs on Appeal which is filed herewith.



Patrick J. McLaughlin
WUKELA LAW FIRM
403 Second Loop Road
P.O. Box 13057
Florence, SC 29504-3057
T: 843.669.5634, F: 843-669-5150
Attorney for Appellant

August 23, 2024

RECEIVED

Aug 23 2024

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM MARION COUNTY
Court of Common Pleas
William H. Seals, Jr., Circuit Court Judge

Civil Action Case No. 2019-CP-33-0675
Appellate Case No. 2023-001466

John Trenton Pendarvis and Lawton Drew Respondents,

v.

South Carolina Law Enforcement Division and
South Carolina Department of Agriculture..... Defendants,

Of whom South Carolina Law Enforcement Division is the Appellant Appellant.

**MEMORANDUM IN SUPPORT OF
MOTION FOR COSTS ON APPEAL**

By opinion filed August 20, 2024, the South Carolina Supreme Court denied the Appellant’s petition for a writ of certiorari finding the Respondents are allowed to continue to pursue their due process rights in this matter. The Court ruled in favor of the Respondents, John Trenton Pendarvis and Lawton Drew.

Rule 222(a), SCACR, provides that “[u]nless otherwise ordered by the appellate court or agreed by the parties, costs shall be taxed against the appellant when the appeal is dismissed or judgment on appeal is affirmed.” Rule 222(a), SCACR. The Response, therefore, qualifies as

the prevailing party in this appeal. As the prevailing party, the Respondent is entitled to an award of costs on appeal in accordance with Rule 222(b), SCACR, which includes the costs of filing fee. The Respondent is also entitled to attorney's fees in the amount of \$2,500.00, which is an amount set by order of the Supreme Court.

The filing of this motion is timely. The Remittitur was issued on August 21, 2024. This motion is filed within fifteen (15) days of the issuance of the Remittitur, as required by Rule 222(d), SCACR.

As a result, the Respondent, John Trenton Pendarvis, moves this Court, pursuant to Rule 222(d), SCACR, for an award of costs on appeal in this amount of \$2,550.00. The requested costs on appeal are set forth in the Statement of the Costs on Appeal, which is also filed herewith.

Respectfully submitted,



Patrick J. McLaughlin
WUKELA LAW FIRM
403 Second Loop Road
P.O. Box 13057
Florence, SC 29504-3057
T: 843.669.5634, F: 843-669-5150
Attorney for Appellant

August 23, 2024

WUKELA LAW FIRM

Steve Wukela, Jr.
Benjamin D. Moore
Christi B. McDaniel
Stephen J. Wukela
Patrick J. McLaughlin
Pheobe A. Clark
Frank C. Swaggard

403 Second Loop Road
P.O. Box 13057
Florence, SC 29504-3057

(843) 669-5634
FAX (843) 669-5150

August 23, 2024

Via Email Only – suptcfilings@sccourts.org
Honorable Patricia A. Howard
Clerk, South Carolina Supreme Court
P.O. Box 11330
Columbia, SC 29211

RECEIVED

Aug 23 2024

S.C. SUPREME COURT

RE: Appellate Case No. 2023-001466
Civil Action Case No. 2019-CP-33-0675
John Trenton Pendarvis and Lawton Drew v. South Carolina Law Enforcement Division
and South Carolina Department of Agriculture(s)

Dear Ms. Howard:

Pursuant to Section (b)(2) of the Supreme Court's Amended Order Re: Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules (As Amended May 6, 2022), please find enclosed for filing the Motion for Costs on Appeal, Memorandum in Support of Motion for Costs on Appeal, and the Statement of Costs on Appeal in the above referenced matter. My firm's \$50.00 check for the filing fee has been sent to the Court via U.S. Mail.

By copy of this letter, I am serving copies on all counsel by email only pursuant to Section (d)(1) of the same Order. Thank you for your assistance in this matter. If you have any questions, please advise.

Yours truly,

WUKELA LAW FIRM

PATRICK J. MCLAUGHLIN

PJM:mld

Enclosures

cc: Daniel C. Plyler – via email: Daniel.Plyler@smithrobinsonlaw.com
Austin T. Reed – via email: austin.reed@smithrobinsonlaw.com
Frederick Newman Hanna, Jr. – via email: fred.hanna@smithrobinsonlaw.com
C. Bradley Hutto – via email: cbhutto@williamsattys.com