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Nov 07 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Grace Gilchrist Knie, Circuit Court Judge

Appellate Case No.: 2021-000707

Trina Dawkins, as Personal Representative of the Estate of William Dawkins, Respondent,

v.

Fundamental Clinical and Operational Service, LLC; Fundamental Administrative Services, LLC; THI of South Carolina, LLC; THI of South Carolina at Spartanburg, LLC; THI of South Carolina at Magnolia Manor-Spartanburg, LLC d/b/a Magnolia Manor-Spartanburg, Appellants.

RESPONDENT'S MOTION FOR COSTS ON APPEAL

Respondent hereby moves pursuant to Rule 222, SCACR, for the taxation of costs on appeal against the Appellants. The grounds for this motion are that the Respondent is entitled to the taxation of his costs on appeal against the Appellants, as the following shows:

1. Rule 222, SCACR, provides costs shall be taxed against the appellant when the appeal is dismissed or judgment on appeal is affirmed. In this case, the judgment was affirmed.
2. This motion is timely. "A party desiring costs to be taxed shall, within fifteen (15) days of the issuance of the remittitur, serve and file a motion requesting that costs be assessed under this Rule." Rule 222(d), SCACR. The remittitur was issued on to October 30, 2024 less than 15 days before the service and filing of this motion.
3. The Respondent has actually incurred taxable costs in the amount of \$2,630.29. This includes \$130.29 in costs pursuant to Rule 222(b), as is shown on the attached itemized statement of costs, and \$2,500.00 in attorney's fees. (Respondent's attorney's fees on this appeal exceeded \$2,500.00.)
4. The Respondent is entitled to an Order taxing costs against the Appellants.

WHEREFORE Respondent prays for an Order taxing costs in the amount of \$2,630.29 or, in the alternative, in the amount deemed appropriate by the Court, against the Appellants in this appeal.

Respectfully submitted,

s/William A. Jordan, III
William A. Jordan, III
Jordan Law Center
622 Wade Hampton Boulevard
Greenville, S.C. 29609
(864) 235-0147
William@jordanlawcenter.com

Attorney for Respondent

Greenville, South Carolina
November 7th, 2024

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PROOF OF SERVICE

I, William A. Jordan, III, of JORDAN LAW CENTER, attorney for the Respondent, hereby certify that I have served the Respondent's **MOTION FOR COSTS ON APPEAL** on the Appellants on November 7th, 2024, by emailing (see attached email) a copy of the same to Appellants' counsel of record:

CLEMENT RIVERS, LLP
Stephen L. Brown (SC Bar No. 66468)
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Attorneys for Petitioners

I also certify that Respondent's **MOTION FOR COSTS ON APPEAL and PROOF OF SERVICE** were filed with the South Carolina Court of Appeals on November 7th, 2024, via email to ctappfilings@sccourts.org.

Respectfully submitted,

JORDAN LAW CENTER

By: s/William A. Jordan, III
William A. Jordan, III (S.C. Bar No: 101271)
William@jordanlawcenter.com
Attorney for Respondent

Greenville, South Carolina

November 7th, 2024



Leanne Hanna <leanne@jordanlawcenter.com>

Dawkins v. Fundamental (Appellate Case No: 2021-000707)

1 message

Leanne Hanna <leanne@jordanlawcenter.com>

Thu, Nov 7, 2024 at 4:15 PM

To: sbrown@ycrlaw.com, tgandy@ycrlaw.com, rhines@ycrlaw.com, jdavis@ycrlaw.com, aphilips@ycrlaw.com, William Jordan <william@jordanlawcenter.com>

Good afternoon,

Attached for service in the above-referenced matter please find our Motion for Costs on Appeal along with Proof of Service.

Thank you.

--

Leanne Hanna, Paralegal

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Phone: 864-235-0147

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2 attachments**Dawkins, William-Respondent's Mtn for Costs on Appeal POS_Emailed 20241107.pdf**

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**Dawkins, William-Respondent's Mtn for Costs on Appeal with Ex A Statement of Costs_Emailed 20241107.pdf**

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