

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
L. Casey Manning, Circuit Court Judge
Joseph M. Strickland, Master-in-Equity

Appellate Case No. 2021-000539
Case No. 2020-CP-40-3674

Ammon L. “Treigh” Sullivan, Respondent,

v.

Richland County School District One and
South Carolina Department of Education, Defendants,

Of which, South Carolina Department of Education, is Appellant.

MOTION FOR COSTS ON APPEAL

The Appellant South Carolina Department of Education moves this Court, pursuant to Rule 222(d), SCACR, to tax costs on appeal in the amount of \$3,231.96 against the Respondent Ammon L. “Treigh” Sullivan.

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.

LINDEMANN LAW FIRM, P.A.

BY: *s/ Andrew F. Lindemann*

ANDREW F. LINDEMANN #13030

5 Calendar Court, Suite 202

Post Office Box 6923

Columbia, South Carolina 29260

(803) 881-8920

Counsel for Appellant South Carolina

Department of Education

December 18, 2024

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L. Casey Manning, Circuit Court Judge
Joseph M. Strickland, Master-in-Equity

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Of which, South Carolina Department of Education, is Appellant.

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

By its published opinion filed November 13, 2024, the South Carolina Court of Appeals reversed the default judgment entered in favor of the Respondent Ammon L. “Treigh” Sullivan and remanded this action to the lower court for proper consideration under Rule 55(e), SCRCR.

Rule 222(a), SCACR, provides that when a “judgment is reversed, costs shall be taxed against the respondent.” *See*, Rule 222(a), SCACR. Because the trial court was reversed, the Appellant South Carolina Department of Education qualifies as the prevailing party in this appeal. Therefore, as the prevailing party on appeal, the Appellant is entitled to an award of

costs on appeal in accordance with Rule 222(b), SCACR, which includes the November 19, 2020 and April 7, 2021 motion hearing transcripts as well as the costs associated with printing its Final Brief, Final Reply Brief, and the Record on Appeal. The Appellant 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 filed on December 3, 2024. This motion is filed within fifteen days of the issuance of the Remittitur, as required by Rule 222(d), SCACR.

As a result, the Appellant South Carolina Department of Education moves this Court, pursuant to Rule 222(d), SCACR, for costs on appeal in the amount of \$3,231.96 to be taxed against the Respondent Ammon L. "Treigh" Sullivan. The requested costs on appeal are set forth in the Statement of Costs on Appeal, which is also filed herewith.

Respectfully submitted,

LINDEMANN LAW FIRM, P.A.

BY: *s/ Andrew F. Lindemann*

ANDREW F. LINDEMANN #13030
5 Calendar Court, Suite 202
Post Office Box 6923
Columbia, South Carolina 29260
(803) 881-8920

*Counsel for Appellant South Carolina
Department of Education*

December 18, 2024

RECEIVED

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SC Court of Appeals

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CERTIFICATE OF SERVICE

Pursuant to Section (d)(1) of the Supreme Court’s Order Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules (As Amended April 24, 2024), the undersigned employee of Lindemann Law Firm, P.A., counsel for the Appellant South Carolina Department of Education, does hereby certify that service of the **Motion for Costs on Appeal, Memorandum in Support of Motion for Costs on Appeal**, and the **Statement of Costs on Appeal** was made upon all counsel of record by email only this the 18th day of December 2024, as follows:

Julius W. Babb, IV, Esquire
Cromer Babb & Porter, LLC
Email: jay@cromerbabb.com

s/ Andrew F. Lindemann



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Facsimile (803) 862-1181

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ANDREW F. LINDEMANN*
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**Also Admitted in North Carolina*

December 18, 2024

RECEIVED
Dec 18 2024
SC Court of Appeals

Via Email Only

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Email: ctappfilings@sccourts.org

RE: Ammon L. "Treigh" Sullivan v. Richland County School District One and South Carolina Department of Education
Appellate Case Number: 2021-000539
Civil Action Number: 2020-CP-40-3674
Our File Number: 79.20406

Dear Ms. Kitchings:

Pursuant to Section (b)(2) the Supreme Court's Order Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules (as amended April 26, 2024), 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** with regard to the above referenced appeal. By copy of this letter, I am serving copies on all counsel of record by email only pursuant to Section (d)(1) of the same Supreme Court Order.

The Appellant South Carolina Department of Education is exempt from the \$50.00 filing fee. Thank you for your assistance.

Sincerely,

LINDEMANN LAW FIRM, P.A.

Andrew F. Lindemann

AFL/jmb
Enclosures

cc: Julius W. Babb, IV, Esquire (w/ Enclosures, Via Email Only)