

RECEIVED

Dec 19 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BERKELEY COUNTY
In the Court of Common Pleas for the Ninth Judicial Circuit

The Honorable Roger M. Young, Sr., Circuit Court Judge

Appellate Case No. 2022-001385
Berkeley County Case No. 2017-CP-08-02238

Matthew Zetz Appellant,

v.

Daniel Island Company, Inc.;
Daniel Island Community Foundation, Inc.;
Daniel Island Town Association, Inc.; and
MGR Resources, Inc. d/b/a Moonlighting
Landscape Lighting Systems Defendants

Of which Daniel Island Company, Inc. is the Respondent.

**RESPONDENT DANIEL ISLAND COMPANY, INC.'S
MOTION FOR COSTS ON APPEAL**

Respondent Daniel Island Company, Inc. ("Respondent") hereby moves for the taxation of costs on appeal against Appellant Matthew Zetz ("Appellant") pursuant to Rule 222, SCACR, on the grounds that (1) Appellant petitioned the South Carolina Court of Appeals to reverse the circuit court's order granting Respondent's Motion for Summary; (2) the South Carolina Court of Appeals affirmed the circuit court's award of summary judgment in favor of Respondent; (3) the South Carolina Court of Appeals denied Appellant's petition for rehearing; and (4) the South Carolina Supreme Court denied Appellant's petition for writ of certiorari. Accordingly, Respondent respectfully requests an Order taxing costs against Appellant in the amount of \$2,637.00 as supported by the attached sworn, itemized statement of costs.

[SIGNATURE PAGE TO FOLLOW]

Respectfully submitted,

Barnwell Whaley Patterson & Helms, LLC

s/K. Michael Barfield

K. Michael Barfield (S.C. Bar No. 69400)

Allison M. Burns (S.C. Bar No. 105265)

211 King Street, Suite 300 (29401)

P.O. Drawer H

Charleston, SC 29402

Phone: (843) 577-7700 Fax: (843) 577-7708

***Counsel for Respondent Daniel Island Company,
Inc.***

December 18, 2024
Charleston, South Carolina

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BERKELEY COUNTY
In the Court of Common Pleas for the Ninth Judicial Circuit

The Honorable Roger M. Young, Sr., Circuit Court Judge

Appellate Case No. 2022-001385
Berkeley County Case No. 2017-CP-08-02238

Matthew Zetz Appellant,

v.

Daniel Island Company, Inc.;
Daniel Island Community Foundation, Inc.;
Daniel Island Town Association, Inc.; and
MGR Resources, Inc. d/b/a Moonlighting
Landscape Lighting Systems Defendants

Of which Daniel Island Company, Inc. is the Respondent.

PROOF OF SERVICE

I certify that on this 19th day of December, 2024, I have served a true and correct copy of Respondent Daniel Island Company, Inc.’s Motion for Costs on Appeal by electronic mail in compliance with Supreme Court Order 2022-05-06-04 upon the following attorneys of record for Appellant:

Brian Critzer, Esq.
Kaye Hearn, Esq.
Wyche, P.A.
807 Gervais Street, Suite 304
Columbia, SC 29201
bcritzer@wyche.com
khearn@wyche.com

Lane D. Jefferies, Esq.
Roy T. Willey, IV, Esq.
Eric M. Poulin, Esq.
32 Ann Street
Charleston, SC 29403
lane@poulinwilley.com
roy@poulinwilley.com
eric@poulinwilley.com

[SIGNATURE PAGE TO FOLLOW]

Barnwell Whaley Patterson & Helms, LLC

s/Janet Segell

Janet Segell, Legal Assistant to
K. Michael Barfield, Esq.

EST. 1938

BARNWELL WHALEY

ATTORNEYS AT LAW

K. MICHAEL BARFIELD

MEMBER ATTORNEY

MBARFIELD@BARNWELL-WHALEY.COM

reply to Charleston office

December 19, 2024

187.222

via e-mail – ctappfilings@sccourts.org
and confirmed via U.S. mail with filing fee

The Honorable Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Matthew Zetz v. Daniel Island Company, Inc.
Appellate Case No. 2022-001385
Supreme Court Case No. 2024-001509

Dear Ms. Kitchings:

Please find enclosed Respondent Daniel Island Company, Inc.'s Motion for Costs on Appeal as well as our firm's check in the amount of \$50 to cover the filing fee for the Motion. We are serving copies of this Motion on all counsel of record, as indicated on the enclosed Proof of Service.

As always, thank you for your time and assistance. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

s/K. Michael Barfield

/amb
enclosures

c: Brian Critzer, Esq.
Kaye Hearn, Esq.
Lane Douglas Jeffries, Esq.
Roy T. Willey, IV, Esq.
Eric M. Poulin, Esq.

{01227527.DOCX.1}

BARNWELL WHALEY PATTERSON & HELMS LLC

211 KING STREET, SUITE 300
CHARLESTON, SC 29401
843.577.7700

720 NO. 3RD STREET, SUITE 102
WILMINGTON, NC 28401
910.679.1388

BARNWELL-WHALEY.COM

RECEIVED

Dec 19 2024

SC Court of Appeals