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Feb 14 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

**APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION**

Appellate Case No. 2022-000282

Michael K. Crowley, Employee,Appellant,

vs.

Darlington County, Employer, and

South Carolina Association of Counties SIF, Carrier..... Respondents.

RESPONDENTS' MOTION FOR COSTS ON APPEAL

Johnnie W. Baxley, III, Esquire
Willson, Jones, Carter & Baxley, PA
4922 O'Hear Ave., Suite 301
North Charleston, SC 29464
(843) 284-1082
jwbaxley@wjcblaw.com
Attorney for Respondents

Other Counsel of Record:

Preston F. McDaniel
McDaniel Law Firm
1315 Elmwood Avenue
Columbia, SC 29201
(803) 771-7211

Gerald Malloy
Malloy Law Firm
Post Office Box 1200
Hartsville, SC 29551
(843) 339-3000

Respondents hereby move pursuant to Rule 222, SCACR, for the taxation of costs on appeal against the Appellant. The grounds for this motion are that the Respondents are entitled to the taxation of costs on appeal against the Appellant, as the following shows:

1. Rule 222(a), SCACR, provides that costs shall be taxed against the appellant when the judgment on appeal is affirmed, unless otherwise ordered by the appellate court or agreed by the parties.
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 February 13, 2025, less than fifteen (15) days before the service and filing of this motion.
3. The Respondents have incurred taxable costs in the amount of one hundred twenty-three dollars and 17/100 cents (\$123.17), as is shown on the attached itemized statement of costs.
4. Rule 222(b), SCACR, provides that the party entitled to recover costs shall also be entitled to recover an attorney's fee in an amount which shall be set by Order of the Supreme Court. By Order dated January 17, 2018, the amount of attorney's fee was set at two thousand five hundred dollars and 0/100 cents (\$2,500.00). (The Respondents' attorney's fees on this appeal exceeded \$2,500.00).
5. The Respondents are entitled to an Order taxing costs against the Appellant.
6. The Full Commission issued a Decision and Order on February 1, 2022, from which the Claimant/Appellant filed this appeal. The South Carolina Court of Appeals affirmed the Full Commission's decision on June 26, 2024.

WHEREFORE Respondents pray for an Order taxing costs in the amount of two thousand six hundred twenty-three dollars and 17/100 cents. (\$2,623.17), or in the alternative, in the amount deemed appropriate by the Court, against the Appellant in this appeal.

Respectfully submitted,



Johnnie W. Baxley, III, Esquire
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CERTIFICATE OF SERVICE

I, Holly S. Horsman, do hereby certify that I am the Legal Assistant for Johnnie W. Baxley, III, Esquire, Attorney for the Respondents with **WILLSON JONES CARTER & BAXLEY, P.A.** in North Charleston, South Carolina, and that on **February 14, 2025**, I mailed the foregoing **RESPONDENTS' MOTION FOR COSTS ON APPEAL** to the following via e-mail:

Via E-Mail Only

Preston McDaniel, Esquire, Attorney for Appellant
Gerald Malloy, Esquire, Attorney for Appellant
preston@pfmcclaw.com
gmalloy@bellsouth.net

Via E-Mail & U.S. Mail/First Class

Jenny Abbott Kitchings, Clerk
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211
ctappfilings@sccourts.org



Holly S. Horsman
Legal Assistant to Johnnie W. Baxley, III, Esquire
WILLSON JONES CARTER & BAXLEY, P.A.
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North Charleston, SC 29464

February 14, 2025

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**APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION**

Appellate Case No. 2022-000282

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vs.

Darlington County, Employer, and
South Carolina Association of Counties SIF, Carrier..... Respondents.

ITEMIZED STATEMENT OF COSTS

The Appellate Court is requested to tax the following costs against:

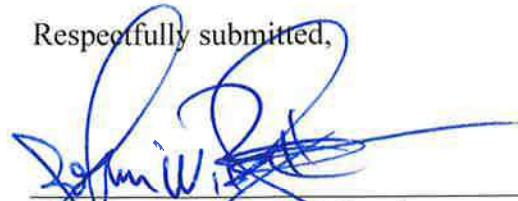
Michael K. Crowley, Appellant

Costs taxable under Rule 222, SCACR	No. of Pages	Rate	Requested	Allowed
Motion Filing Fee, dated February 14, 2025	N/A	By Order dated October 9, 2018, the filing fee for motions and petitions was set at fifty dollars and zero cents (\$50.00) for a motion filed on or after October 15, 2018. Rule 240(d), SCACR.	\$50.00	
Cost of Printing/Copying Final Brief of Respondent, Final Brief and Reply of Appellant, and Record on Appeal	Approx. 200, plus covers and bindings		\$73.81	
Attorney's fee provided by Rule 222(b), SCACR	N/A	By Order dated January 17, 2018, the amount of attorney's fee was set at two thousand five hundred dollars and 0/100 cents (\$2,500.00).	\$2,500.00	
TOTAL			\$2,623.81	

I, Johnnie W. Baxley, III, do swear or affirm that the foregoing costs are correct and were necessarily incurred in this action. A copy of this statement was served by e-mail upon the Appellant.

[SPACE LEFT BLANK INTENTIONALLY]

Respectfully submitted,



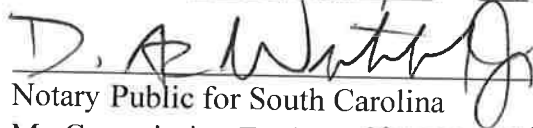
Johnnie W. Baxley, III, Esquire
Willson, Jones, Carter & Baxley, PA
4922 O'Hear Ave., Suite 301
North Charleston, SC 29464
(843) 284-1082
jwbaxley@wjcblaw.com
Attorney for Respondents

North Charleston, South Carolina

February 14, 2025

SWORN to before me this

14 th day of FEBRUARY, 2025



Notary Public for South Carolina

My Commission Expires: MARCH 22, 2028

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