

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM BEAUFORT COUNTY
Doyet A. Early, III, Circuit Judge

Opinion No. 27321
(S.C. S.Ct. filed October 2, 2013)

RECEIVED

OCT 28 2013

S.C. Supreme Court

L. Paul Trask, Jr., Personally, and as Next of Kin
and as the Duly Appointed Personal Representative
of the Estate of L. Paul Trask, III, deceased; and
Meredith C. Trask..... Petitioners,

v.

Beaufort County; Curtis Copeland, in his Official Capacity
as Coroner of Beaufort County; Judy R. Copeland, as
Personal Representative of the Estate of Curtis M. Copeland;
and Copeland Company of Beaufort, LLC, Defendants,

Of Whom, Judy R. Copeland, as Personal Representative
of the Estate of Curtis M. Copeland, and
Copeland Company of Beaufort, LLC, are, Respondents.

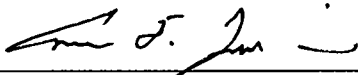
MOTION FOR COSTS ON APPEAL

The Respondents Judy R. Copeland, as Personal Representative of the Estate
of Curtis M. Copeland, and Copeland Company of Beaufort, LLC move this Court,

pursuant to Rule 242(j), SCACR, to tax costs on appeal in the amount of \$2,207.79 against the Petitioners.

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

DAVIDSON & LINDEMANN, P.A.

BY: 

ANDREW F. LINDEMANN
1611 Devonshire Drive
Post Office Box 8568
Columbia, South Carolina 29202
(803) 806-8222

*Counsel for Respondents Judy R. Copeland,
as Personal Representative of the Estate of
Curtis M. Copeland and Copeland Company
of Beaufort, LLC*

Columbia, South Carolina

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Of Whom, Judy R. Copeland, as Personal Representative
of the Estate of Curtis M. Copeland and
Copeland Company of Beaufort, LLC, are, Respondents.

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

On October 2, 2013, the South Carolina Supreme Court issued a published opinion dismissing the previously granted writ of certiorari as improvidently

granted. The decision of the Supreme Court thereby allowed the prior decision of the Court of Appeals to stand, and that decision had affirmed the summary judgment granted by the Circuit Court in favor of the Respondents Judy R. Copeland, as Personal Representative of the Estate of Curtis M. Copeland, and Copeland Company of Beaufort, LLC. *See, Trask v. Beaufort County*, 392 S.C. 560, 709 S.E.2d 53 (Ct. App. 2011).

Rule 242(j), SCACR, governs the award of costs on appeal where the Supreme Court has granted a writ of certiorari. *See*, Rule 222(e), SCACR. Under Rule 242(j)(1), the Respondents qualify as the prevailing parties because the decision of the Supreme Court has the ultimate effect of affirming the judgment of the lower court. The Respondents were also the prevailing parties in the Court of Appeals. *See, Trask v. Beaufort County*, 392 S.C. 560, 709 S.E.2d 53 (Ct. App. 2011).

Therefore, as the prevailing parties, the Respondents are entitled to an award of costs on appeal in accordance with Rule 222(b), SCACR, which includes the costs of printing the final briefs in the Court of Appeals. The Respondents are also entitled to attorneys' fees of \$1,000.00, which is an amount set by order of the Supreme Court, for the appeal to the Court of Appeals. *See*, Rule 222(b), SCACR.


Moreover, as a result of prevailing in the Supreme Court, the Respondents are entitled to recover the costs of printing the briefs submitted to the Supreme Court. The Respondents are also entitled to "an additional attorney's fee" in the amount of

\$1,000.00. *See*, Rule 242(j)(2), SCACR. It should be noted that, although the Supreme Court dismissed the writ of certiorari as improvidently granted, the Court did not do so until after the parties had fully briefed and conducted oral argument on the issues on which the writ of certiorari had been granted. Therefore, the Respondents had incurred attorney's fees in briefing and arguing the appeal before the Supreme Court – fees that exceeded the allowable amount of \$1,000.00.

In sum, the Respondents respectfully request that the Court grant costs on appeal against the Petitioners in the amount of \$2,207.79. The requested costs on appeal are set forth in the Statement of Costs on Appeal, which is also filed herewith.

Respectfully submitted,

DAVIDSON & LINDEMANN, P.A.

BY: 

ANDREW F. LINDEMANN
1611 Devonshire Drive
Post Office Box 8568
Columbia, South Carolina 29202
(803) 806-8222

*Counsel for Respondents Judy R. Copeland, as
Personal Representative of the Estate of
Curtis M. Copeland and Copeland Company
of Beaufort, LLC*

Columbia, South Carolina

October 28, 2013

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In The Supreme Court**

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L. Paul Trask, Jr., personally, and as next
of kin and as duly appointed Personal
Representative of the Estate of L. Paul
Trask, III, deceased, and Meredith C. Trask,)

Petitioners,)

v.)

Beaufort County; Curtis Copeland, in his
Official Capacity as Coroner of Beaufort
County; Judy R. Copeland, as Personal
Representative of the Estate of Curtis M.
Copeland; and Copeland Company of
Beaufort, LLC,)

Defendants,)

Of Whom, Judy R. Copeland, as Personal
Representative of the Estate of Curtis M.
Copeland and Copeland Company of
Beaufort, LLC, are,)

Respondents.)

Opinion No. 2013-01
S.C. Supreme Court
(Filed October 2, 2013)

STATEMENT OF COSTS ON APPEAL

The Clerk of the South Carolina Supreme Court is requested to tax the following costs against the Petitioners, L. Paul Trask, Jr., personally, and as next of kin and as duly appointed Personal Representative of the Estate of L. Paul Trask, III, deceased, and Meredith C. Trask:

COSTS AND FEES TAXABLE UNDER RULE 242(j), SCACR only)	NO. OF PAGES	RATE	REQUESTED	ALLOWED (For Court use only)
Cost of Printing Final Brief in Court of Appeals:			\$ 108.28	
Attorney's Fee Provided By Rule 222(b), SCACR			\$1,000.00	

Cost of Printing Respondents' Brief in Supreme Court: \$ 99.51

Attorney's Fee Provided
By Rule 242(j)(2), SCACR \$1,000.00

Other (specify and explain):

TOTAL \$ 2,207.79

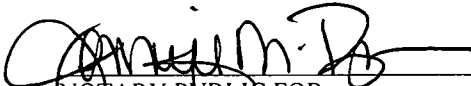
I, Andrew F. Lindemann, do swear that the foregoing costs are correct and were necessarily incurred in this action. A copy of this statement was served upon the Petitioners' counsel by first class mail.



ANDREW F. LINDEMANN

*Counsel for Respondents Judy R. Copeland, as
Personal Representative of the Estate of Curtis M.
Copeland and Copeland Company of Beaufort, LLC*

SWORN TO BEFORE ME THIS 28th
DAY OF OCTOBER 2013



NOTARY PUBLIC FOR
SOUTH CAROLINA

COMMISSION EXPIRES: 1/13/2020

Approved: _____
CLERK

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of the Estate of Curtis M. Copeland, and
Copeland Company of Beaufort, LLC, are, Respondents.

CERTIFICATE OF SERVICE

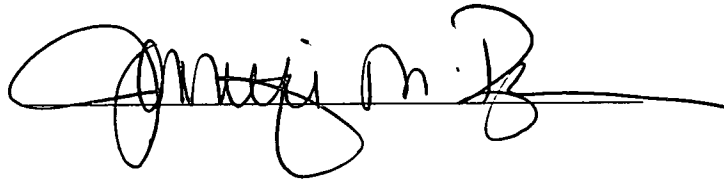
The undersigned employee of Davidson & Lindemann, P.A., attorneys for the Respondents Judy R. Copeland, as Personal Representative of the Estate of Curtis M. Copeland, and Copeland Company of Beaufort, LLC, does hereby certify that service of the below listed documents in the above-captioned matter

was made upon all counsel of record by placing copies in the United States Mail, first class postage prepaid, at the below listed addresses clearly indicated on said envelopes this the 28th day of October 2013:

1. Motion for Costs on Appeal
2. Memorandum in Support of Motion for Costs on Appeal
3. Statement of Costs on Appeal

Stephen P. Groves, Sr., Esquire
Jeffrey S. Tibbals, Esquire
Nexsen Pruet, LLC
Post Office Box 486
Charleston, South Carolina 29402

Thomas S. Tisdale, Jr., Esquire
Hellman Yates & Tisdale, P.A.
145 King Street - Suite 102
Charleston, South Carolina 29401

A handwritten signature in black ink, appearing to read "Jeffrey S. Tibbals", with a long horizontal line extending to the right.