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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Honorable Kristi F. Curtis, Circuit Court Judge

Appellate Case No. 2023-000027

Derek Calhoun and Jacqueline Calhoun, ... Appellants,

v.

State of South Carolina, by and through City of North Myrtle Beach, ... Respondent.

MOTION FOR COSTS

Respondent City of North Myrtle Beach (the "City"), pursuant to Rule 222, SCACR, respectfully moves for entry of an order taxing costs against Appellants Derek and Jacqueline Calhoun. In support of this motion, the City would show as follows:

1. On January 9, 2023, the Calhouns appealed orders of the circuit court denying their motion to change venue; denying their motion for reconsideration; and amending scrivener's errors and confirming the denial of the Calhouns' motions.

2. Following briefing and oral argument, the Court of Appeals issued an order on June 25, 2025, dismissing the appeal as interlocutory.

3. Accordingly, the City is the prevailing party on appeal and is entitled to

recovery of costs and attorneys' fees. *See* Rule 222(a), SCACR (providing for taxation of costs against the appellant when an appeal is dismissed).

4. The City incurred appellate costs for printing six bound copies of its Final Brief of Respondent.

5. A sworn, itemized statement of costs is attached hereto as **Exhibit A** to this motion.

6. The appeal having been dismissed, the City respectfully requests that this Court tax costs against Respondents as set forth in Exhibit A.

Respectfully submitted,

s/*Kirsten E. Small*

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PROOF OF SERVICE

I certify that I have served Respondent's Motion for Costs on Appellants Derek and Jacqueline Calhoun by emailing it to the following counsel of record for Appellants, using the primary email address listed in the Attorney Information System.

Kenneth R. Moss, KennethMoss@wwpemlaw.com

Richard L. Snyder, RichardSnyder@wwpemlaw.com

July 17, 2025 *s/Kirsten E. Small*