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**Aug 04 2025**

**S.C. SUPREME COURT**

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

Alex Kinlaw, Jr. Circuit Court Judge  
Common Pleas Case No. 2022-CP-23-01064

(Court of Appeals Appellate Case No. 2022-000731)

Supreme Court Appellate Case No. 2025-000386

IN THE MATTER OF:  
Estate of Florence Petrak Mensch,

STERLING RAYMOND MENSCH, III, individually  
as former Personal Representative of the Estate  
of Florence Petrak Mensch and in his former  
capacity as Agent under a Power of Attorney  
for Florence Petrak Mensch,

*Appellant,*

SHAUNA M. WADDELL, individually and as v.  
Personal Representative of the Estate of  
Florence Petrak Mensch and JOHN R. MENSCH,

*Respondents.*

**MOTION FOR FEES AND COSTS**

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**TABLE OF AUTHORITIES**

**Rules**

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Pursuant to R. 242(j), SCACR, Appellant Sterling Raymond Mensch, III, respectfully moves for taxation of costs and fees in this appeal.

### **BACKGROUND**

This Court granted the Appellant’s petition for certiorari, reversed the decisions of both the Court of Appeals and of the Circuit Court. The remittitur issued on July 18, 2025.

Although the issues raised on appeal were jurisdictional, the Record on Appeal was enormous, totaling 9,300 pages. Most of those pages consisted of motion and trial exhibits that went to the merits, which Respondents designated for inclusion and which required heavy redaction to comply with the privacy rules. Those merits exhibits were irrelevant to the appeal—not even Respondents cited to them in their briefing. Below are the record citations contained in Respondents’ Brief in Opposition filed in the Court of Appeals:

<b>Page</b>	<b>Paragraph</b>	<b>Record Cite(s)</b>
1	1	ROA P. 66
1	1	ROA P. 1
1	2	ROA P. 24
1	3	ROA P. 7011
2	1	ROA P. 9271
10	3	ROA P. 33-34
11	4	ROA P. 65; P. 105
12	3	ROA P. 24
12	4	ROA P. 7011

Because the Return to the Petition for Certiorari was essentially a cut-and-paste of the Brief of Respondent in the Court of Appeals, the Return to the Petition contained similarly sparse record citations.

Even after Appellant's counsel pointed out that Respondents' designations seemed superfluous and would be expensive, Respondents' counsel reconfirmed the designation of the items for the record. *See* Ex. A (attached).

A fee-and-cost affidavit is being concurrently filed.

#### **ARGUMENT**

Having successfully obtained a reversal of the circuit court order on review, Appellant is entitled to recover costs. R. 242(j), SCACR. As indicated on the affidavit, the cost affidavit includes the out-of-pocket cost to obtain assistance in conducting the heavy and voluminous redactions required because of the numerous, irrelevant financial records Respondent designated, which are taxable "additional costs." R. 222(b), SCAR.

Even if taxation of costs were not already authorized, the costs of printing the irrelevant matter in the appendix would be independently authorized. R. 242(j)(3), SCACR. At a minimum, Record Volumes II-XIV, and XVII-XIX could have been avoided had Respondents not unjustifiably included all the irrelevant record material.

#### **CONCLUSION**

This Court should tax fees and costs against Respondents as per the fee-and-cost affidavit.

Dated this 4<sup>th</sup> day of August, 2025

Respectfully submitted,

STERLING RAYMOND MENSCH, III

s/Kimberly T. Thomason

Kimberly T. Thomason

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