

APPELLANT'S MEMORANDUM IN OPPOSITION
TO RESPONDENT'S MOTION TO TAX COSTS

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
DEC 29 2025
SC Court of Appeals

Appellate Case No.: 2022-000622

Circuit Court Case No.: 2022-CP-10-03684

Russell Crawford, Pro Se

Appellant,

v.

Raymond Babich,

Respondent.

APPELLANT'S MEMORANDUM IN OPPOSITION
TO RESPONDENT'S MOTION TO TAX COSTS

Appellant, Russell Crawford, proceeding pro se, respectfully submits this Memorandum in Opposition to Respondent's "Motion to Tax Costs, Including an Attorney's Fee" (the "Motion"). For the reasons stated below, the Motion should be denied in its entirety, or in the alternative, the amount awarded should be substantially reduced.

I. THE ATTORNEY'S FEE OF \$2,500 IS NOT WARRANTED AS THE APPEAL WAS NOT FRIVOLOUS.

Respondent's Motion seeks an attorney's fee of \$2,500 pursuant to Rule 222(b) of the South Carolina Rules of Appellate Procedure ("SCACR"). This rule does not provide for an automatic award of attorney's fees to a prevailing respondent. Rather, such fees are a penalty reserved for appeals deemed "frivolous or taken for the purpose of delay."

The Respondent Has Failed to Meet Its Burden. The Motion contains no factual allegations or legal arguments demonstrating that Appellant's appeal met the high standard of being frivolous or dilatory. The mere fact that this Court affirmed the judgment below does not, by itself, satisfy this requirement. Respondent has provided the Court with no basis to make such a finding.

The Appeal Addressed Substantive Legal Issues. Appellant's appeal was based on a good-faith challenge to the trial court's application of the Manufactured Home Park Tenancy Act (S.C. Code § 27-47-101 et seq.). The central issue—whether the expiration of a lease term is a permissible ground for eviction under this specific Act—presented a legitimate legal question appropriate for appellate review. An appeal that raises debatable legal issues, even if unsuccessful, cannot be classified as frivolous.

Therefore, the prerequisite for an award of attorney's fees under Rule 222(b) is absent, and the request for \$2,500 should be denied.

II. THE SPECIFIC COSTS SOUGHT ARE EITHER UNRECOVERABLE OR UNREASONABLE.

Respondent seeks to recover \$252.19 in costs, which should be scrutinized and reduced.

Printing Costs (\$102.19): This cost appears excessive. SCACR Rule 226 allows for the reproduction of briefs by "any process that produces a clear, black image on white paper." Respondent has not shown that this significant cost was necessary, as opposed to using standard, less expensive photocopying or printing services compliant with the rules. In the absence of justification, this cost should be disallowed or substantially reduced.

Motion Fees (\$150):

The \$50 fee for the Motion to Compel and the Motion to Dismiss relate to procedural disputes during the appeal. Taxing these fees against Appellant is inequitable, as they do not relate to the merits of the appeal itself but to ancillary procedural compliance.

The \$50 fee for filing the instant Motion to Tax Costs is particularly inappropriate. It is a cost incurred in seeking costs, not a cost "incurred in connection with an appeal" as contemplated by SCACR Rule 222. Awarding this fee would improperly allow Respondent to recover the expense of bringing this very motion.

III. AWARDING COSTS IN FULL WOULD BE UNJUST AND CREATE UNDUE HARDSHIP.

Pursuant to the Court's discretion under Rule 222, Appellant respectfully requests the Court to consider his individual circumstances. As a 71-year-old, medically disabled individual representing himself, the imposition of a \$2,752.19 costs award would create a severe and undue financial hardship. An award of this magnitude against a pro se litigant who pursued an appeal in good faith on a substantive legal issue would be unjust.

IV. MATHEMATICAL AND PROCEDURAL INCONSISTENCIES.

The Motion's requested total is internally inconsistent. The Notice of Motion (page 1) prays for \$2,752.19, while the Affidavit and Memorandum break down the costs as \$2,500 (fee) + \$252.19 (costs) = \$2,752.19. The summary on the motion's first page, however, states a total of \$2,702.19. This discrepancy calls into question the accuracy and care with which the requested amount was calculated.

CONCLUSION

For the foregoing reasons, Appellant respectfully requests that this Court:

Deny the Respondent's Motion to Tax Costs in its entirety; or, in the alternative.

Deny the \$2,500 attorney's fee request and reduce the taxable costs to exclude unreasonable printing expenses and the fee for the instant motion.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day December, of 2025, a true and correct copy of the foregoing APPELLANT'S MEMORANDUM IN OPPOSITION TO RESPONDENT'S MOTION TO TAX COSTS was served upon counsel for Appellee via first class mail.

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