

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM CHARLESTON COUNTY
COURT OF COMMON PLEAS

THE HONORABLE JOHN M. MILLING, CIRCUIT COURT JUDGE

CIVIL ACTION No. 2007-CP-10-896

RECEIVED
JAN - 7 2014
S.C. Supreme Court

IRA BANKS, JAMES BELL, AND VERNON HOLMES,.....RESPONDENTS,

v.

ST. MATTHEW BAPTIST CHURCH, AN UNINCORPORATED ASSOCIATION,
AND CLINTON BRANTLEY,
OF WHOM
CLINTON BRANTLEY IS THEPETITIONER.

**PETITIONER'S RETURN TO
RESPONDENTS' MOTION FOR COSTS**

Pursuant to Rules 222, 240 and 242(j), SCACR, Petitioner Clinton Brantley hereby opposes Respondents' Motion for Costs ("Motion") in the above-referenced matter. Although under a purely technical reading of this Court's appellate rules, Respondents may be entitled to costs, equitable and fairness concerns weigh firmly against such an award.

Pursuant to Rules 222 and 242(j), SCACR, an award of costs and attorneys' fees become part of the judgment of the appellate court and are added to the remittitur. Rule 222(e); Rule 242(j)(5). In this case, Petitioner is preparing a petition for certiorari review to the United States Supreme Court, which he believes will accept review of this case. In the event the United States Supreme Court hears this case and reverses this Court's Majority Opinion, Petitioner likely will

be unable to recover any appellate costs and fees paid to Respondents pursuant to their Motion, even if he ultimately prevails at the United States Supreme Court.

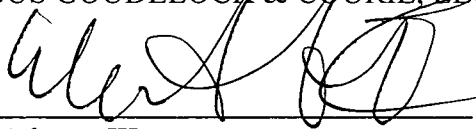
Therefore, Petitioner requests that this Court deny Respondents' Motion at this time.

CONCLUSION

For all the reasons stated herein, Petitioner Brantley respectfully requests this Court to deny Respondents' Motion at this time.

Respectfully submitted,

McANGUS GOUDELOCK & COURIE, LLC



January 7, 2014

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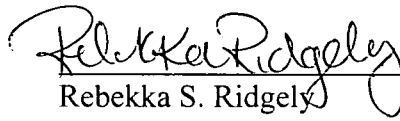
PROOF OF SERVICE

I certify that I have served the **Petitioner's Return to Respondents' Motion for Costs** on Respondents, by depositing a copy of it in the United States Mail, postage prepaid, on the 7th day of January 2014, addressed to all attorneys of record:

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[SIGNATURE ON FOLLOWING PAGE]



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