

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DARLINGTON COUNTY
Court of Common Pleas

J. Michael Baxley, Circuit Court Judge

71025

CASE NO. 2010-CP-16-0332

(Appeal Tracking Number 2011197671)
(2nd Appeal)

Pee Dee Health Care, P.A..... Appellant

v.

Estate of Hugh S. Thompson..... Respondent

MOTION FOR COSTS UNDER RULE 222, SCACR

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SC Court of Appeals

Respondent moves, pursuant to Rule 222, SCACR, for an award of costs and attorney's fees incurred in defending this appeal. Rule 222(a) provides that, unless otherwise ordered or agreed upon by the parties, costs shall be taxed against the Appellant when the lower court's judgment is affirmed. Rule 222(b), SCACR, entitles the prevailing party on appeal to recover costs actually incurred in responding to an appeal including an attorney's fee award of One Thousand and 00/100 (\$1,000.00) Dollars. *Respondents would note that they presently have pending in this Court a motion for sanctions in this matter and as a part of that motion,*

Respondents seek an award of their actual attorney's fees and not simply the fixed fee allowed by Ruel 222(b); this motion is not an effort to duplicate that request for fees, but is filed as an alternative with regard to such fees and as a primary route to the recovery of other costs. Accord Austin v. Stokes-Craven Holding Corp., 750 S.E.2d 78; 2013 S.C. Lexis 279 (Supreme Court 2013). Accordingly, Respondents ask the Court to award them One Thousand Two Hundred Twenty Seven and no/100 (\$1,227.00) Dollars in costs and attorney's fees under Rule 222(b), SCACR – but without prejudice to their motion for sanctions and fee request therein – any award made hereunder can certainly be offset against any award made there – or vice versa. In support of our motion, we have attached an Itemized Statement of Costs, pursuant to Rule 222(b), SCACR.

Respectfully submitted:

Florence, South Carolina

January 16th, 2014

PAULLING AND JAMES, LLP

By:


John Jay James, II, Esquire

P. O. Box 507

Darlington, SC 29540

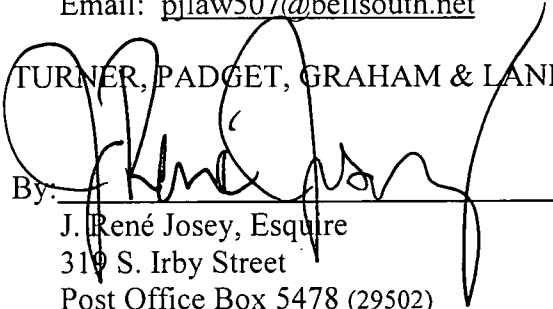
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TURNER, PADGET, GRAHAM & LANEY, P. A.

By:


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ATTORNEYS FOR RESPONDENT

**THE STATE OF SOUTH CAROLINA
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**FORM 17
ITEMIZED STATEMENT OF COSTS**

The Supreme Court is requested to tax the following costs against the Respondents:

COSTS TAXABLE UNDER RULE 222, SCACR	NO. OF PAGES (includes covers)	RATE	REQUESTED	ALLOWED (For Court Use Only)
Cost of Printing Final Brief (Submitted February 1, 2013)	510 (17x30)	20 cents	\$102.00	
Cost of Filing Fees				
Motion for Costs			\$25.00	
Motion to Dismiss 3 rd Appeal as Untimely, Appeals 1 & 2 as Moot (filed and paid in all 3 appeals) (Submitted in This Appeal on December 7, 2011)			\$25.00 (Although Motion Denied, Ultimate Opinion Supportive)	
Motion to Dismiss For Failure To Prosecute (Submitted July 24, 2012)(Record on Appeal Late)			\$25.00	
Countermotion To Dismiss Appeal, or Accelerate & Consolidate Appeals (Submitted September 6, 2011)			\$25.00	
Motion to Dismiss or Expedite Rule 210 Compliance (Submitted October 24, 2012)			\$25.00	
Court Report: Transcript of Hearing			None	
Attorneys' fee under under Rule 222(b), SCACR			\$1,000.00	
TOTAL			\$1,227.00	

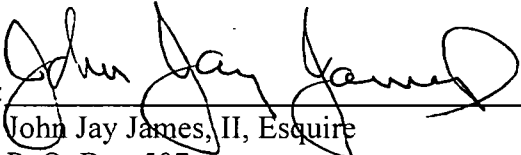
We, John Jay James, II, and J. René Josey, do swear or affirm that the foregoing costs are correct and were necessarily incurred in this action. A copy of this statement was mailed to and served upon opposing counsel.

Respectfully submitted:

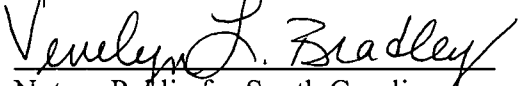
Florence, South Carolina

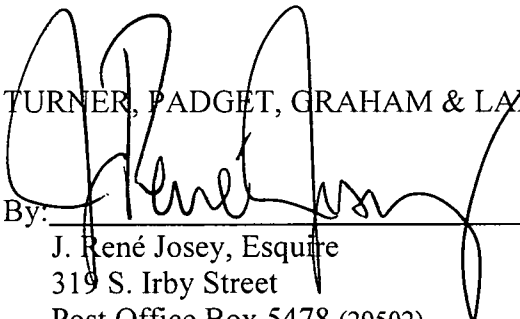
January 16, 2014

PAULLING AND JAMES, LLP

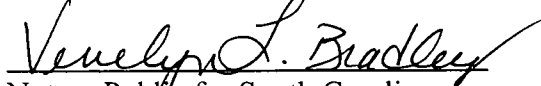
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SWORN to before me this
16th day of January, 2014


Notary Public for South Carolina
My Commission Expires: 10/5/2019
(Seal)

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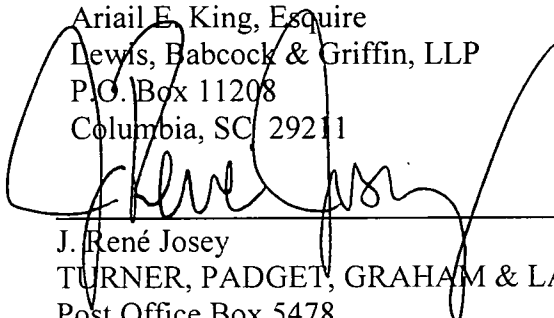
Estate of Hugh S. Thompson..... Respondent

PROOF OF SERVICE

I certify that I have served a copy of the Motion for Costs and Itemized Statements of Costs by depositing copies of the same in the United States mail, postage prepaid, on January 16, 2014, to all counsel of record at the following addresses:

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SC Court of Appeals

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The Honorable Jenny Abbott Kitchings

Clerk of Court

South Carolina Court of Appeals

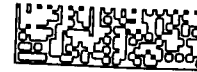
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