

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

DeAndrea Gist Benjamin, Circuit Court Judge

Case No. 2010-CP-40-4071

RECEIVED

FEB 07 2014

SC Court of Appeals

11219

Carmen Morgan,Appellant,
v.
South Carolina Bank and Trust (Employer), and
Cincinnati Insurance Company (Carrier), Respondents.

RESPONDENTS' MOTION FOR COSTS

Respondents, by and through their undersigned attorney, hereby files this Motion for Costs Pursuant to Rule 222, SCACR. On January 8, 2014, this Court issued an unpublished opinion vacating the circuit court's order and the decision of the Appellate Panel. Specifically, this Court stated, "although the Appellate Panel correctly found Morgan's Appeal was untimely, it erred by not dismissing the appeal for lack of jurisdiction. Likewise, the circuit court erred in not vacating the portions of the Appellate Panel's decision that addressed the merits.

Accordingly, we vacate the circuit court's order and the decision of the Appellate Panel."

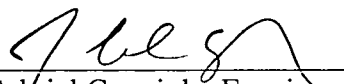
Morgan v. South Carolina Ban and Trust, Unpublished Op. No. 2014 -UP-007 (S.C.Ct. App. dated January 8, 2014). On January 24, 2014, this Court issued a Remittitur pursuant to Rule 221(b), SCACR.

Respondents now respectfully make this motion for costs pursuant to Rule 222, SCACR.

Although Rule 222(a), SCACR states that when an appeal is vacated, costs shall only be allowed as ordered by this Court, Respondents would argue that costs are appropriate in this case. This Court's decision that "the Appellate Panel lacked jurisdiction over this appeal because Morgan (Appellant) failed to timely appeal to the Appellate Panel" was one of the primary arguments Respondents relied on in their briefs. This Court stated that the Appellate Panel correctly found the Appeal to be untimely, but they erred in the way they disposed of the appeal. This error resulted in vacating the Appellate Panel's decision and subsequent Circuit court order, but the effect of the holding is identical to an affirmation of the Appellate Panel's decision and circuit court's order. As such, Respondents submit this Motion for Costs as the prevailing party.

Pursuant to Rule 222(d), SCACR, Respondents submit the attached sworn, itemized statement of costs incurred.

Respectfully Submitted,



J. Gabriel Coggiola, Esquire
Shannon T. Poteat, Esquire
Willson, Jones, Carter & Baxley, P.A.
4500 Fort Jackson Boulevard
Columbia, South Carolina 29209
(803) 227-2889
Attorneys for Respondents

Columbia, South Carolina
February 7, 2014

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

Carmen Morgan)
)
(Appellant))
)
v.)
)
South Carolina Bank and Trust)
)
and)
)
Cincinnati Insurance Company,)
)
(Respondents))
)


The Appellate Court is requested to tax the following costs against:

Carmen Morgan

COSTS TAXABLE UNDER RULE 222, SCACR	NO. OF PAGES	RATE	REQUESTED	ALLOWED (For Court Use Only)
Cost of Printing or Copying Final Brief			\$218.26	
Cost of Printing or Copying Final Reply Brief				
Cost of Printing or Copying Record on Appeal				
Filing Fee Paid Under Rule 203(d), SCACR				
Cost of Court Reporter's Transcript				
Attorney's Fee Provided By Rule 222(b), SCACR			\$1,000.00	
Other (specify and explain):				


COST TAXABLE UNDER RULE 242(j), SCACR				
Cost of Printing or Copying Final Brief				
Cost of Printing or Copying Reply Brief				
Cost of Printing or Copying Appendix				
Filing fee paid under Rule 242(c), SCACR				
Attorney's fee provided by Rule 242 (j)(2), SCACR				
Other (specify and explain):				
		TOTAL	\$1,218.26	

I, J. Gabriel Coggiola, 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/served upon) opposing counsel.



 Attorney for Respondents

Subscribed and sworn to before me this 7 day of February, 2014.

 LESLIE LEPPERT

 Notary Public for RICHLAND COUNTY

My Commission Expires: APRIL 28, 2014

LESLIE L. LEPPERT
 NOTARY PUBLIC
 STATE OF SOUTH CAROLINA
 MY COMMISSION EXPIRES
 APRIL 28, 2014

THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

DeAndrea Gist Benjamin, Circuit Court Judge

Case No. 2010-CP-40-4071

Carmen Morgan,Appellant,
v.
South Carolina Bank and Trust (Employer) and
Cincinnati Insurance Company (Carrier), Respondents.

PROOF OF SERVICE


The undersigned certifies that on the date indicated below he served counsel for Appellant with a copy of Respondents' Motion for Costs by mailing copies of the same by United States Mail postage prepaid to the following addresses:

Everett Hope Garner,
Holler, Garner, Corbett, Ormond, Plante & Dunn
P.O. Box 11006
Columbia, South Carolina 29211
(803) 765-2968
Attorney for Appellant

RECEIVED

FEB 07 2014

SC Court of Appeals



John Gabriel Coggiola
Shannon T. Poteat
Willson Jones Carter & Baxley, P.A.
4500 Fort Jackson Boulevard
Columbia, South Carolina 29209
(803) 227-2889
Attorneys for Respondents

February 7, 2014
Columbia, South Carolina

WILLSON JONES CARTER & BAXLEY, P.A.

ATTORNEYS AT LAW

GREENVILLE CHARLESTON COLUMBIA CHARLOTTE RALEIGH

John Gabriel Coggiola
Direct (803) 227-2889
Fax (803) 782-2527
jgcoggiola@wjlaw.net

4500 Fort Jackson Boulevard
Columbia, SC 29209
www.wjclaw.net

February 7, 2014

(Via Hand Delivery)

The Honorable Jenny Abbott Kitchings
The South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Carmen Morgan vs. South Carolina Bank and Trust
WCC File No.: 0214040 DOI: 8/8/2002
Carrier: Cincinnati Insurance Company - Claim No.: WC8985142
WJC&B File No.: 0750.00009
Appellate Case No.: 2012-212897

Dear Ms. Kitchings:

Pursuant to Rules 222 and 240, SCACR, please find enclosed for filing Respondents' Motion for Costs in the above captioned matter. Also enclosed is a check in the amount of \$25.00 for the filing fee.

By copy of this letter I am also serving a copy of the Respondents' Motion for Costs on the attorney for the Appellant.

With kindest regards,

WILLSON JONES CARTER & BAXLEY, P.A.



John Gabriel Coggiola

RECEIVED

FEB 07 2014

SC Court of Appeals

JGC/jgc
Enclosure
cc: Mr. Everett Hope Garner, Esquire