

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Robin B. Stihlwell, Circuit Court Judge

Case No. 2013-CP-23-03179

Ronald E. Ferguson and
Susan M. Ferguson,

Appellant,

v.

Christopher Todd Usher, Addison Corporation
and Addison Homes, LLC,

Respondent.

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SC Court of Appeals

APPELLANTS CHALLENGE OF RESPONDENT'S COSTS

Appellants Ronald E. Ferguson and Susan M. Ferguson, in proper person, hereby challenge the Respondents' Motion for Costs to be paid by Appellant.

Appellants stipulate that the Court entered an Order on October 2, 2013 and Remittitur was issued on October 18, 2013.

Appellant's would challenge such decision as contrary to existing Supreme Court precedent but recognize another jurisdiction has moved against Respondent(s) and in the interest of judicial economy we shall leave the discussion for another day.

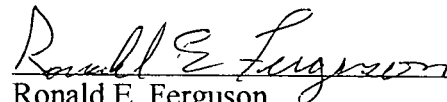
There are six factors to consider in determining an award of attorney's fees: 1) nature, extent, and difficulty of the legal services rendered; 2) time and labor devoted to the case; 3) professional standing of counsel; 4) contingency of compensation; 5) fee customarily charged in the locality for similar services; and 6) beneficial results obtained. Blumberg, 310 S.C. at 494, 427 S.E.2d at 660

(citing Collins v. Collins, 239 S.C. 170, 122 S.E.2d 1 (1961)); Jackson v. Speed, 326 S.C. 289, 308, 486 S.E.2d 750, 760 (1997); Burton v. York County Sheriff's Dept., 358 S.C. 339, 358, 594 S.E.2d 888, 898 (Ct. App. 2004); Weatherford v. Price, 340 S.C. 572, 580, 532 S.E.2d 310, 314 (Ct. App. 2000).

Appellant's request the Court take cognizance that through the course of the Appeal the only item of record or other known expense to Respondents' was their Respondents' Motion For Costs To Be Paid By Appellant.

Appellant's would submit to the Court that Respondents' or their counsel actually have to do something related to the case in order to claim entitlement to fees and where the record clearly shows they did nothing then such an award is not merited.

Respectfully submitted this 6 day of November, 2013.


Ronald E. Ferguson
103 Mill Creek Road
Piedmont, South Carolina 29673
864-509-0169
Pro-se

Other Counsel of Record:
Edward Zachary Horton
Post Office Box 2464
Greenville, South Carolina 29602
864-271-7424
Attorney for Respondent

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)
)
Ronald E. Ferguson and Susan M.)
Ferguson)
Plaintiff(s),)
vs.)
)
Christopher Todd Usher, Addison)
Corporation and Addison Homes,)
LLC)
Defendant(s).)

IN THE COURT OF COMMON PLEAS

CERTIFICATE OF SERVICE

I certify, that on this date, I served a copy of the foregoing Appellants Challenge of Respondents' Costs in this action, dated November 6, 2013 on Respondent's Attorney of record by:

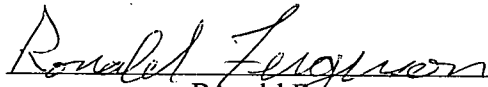
_____ delivering it to him/her personally; or,

_____ mailing it to him/her, at his/her last known address, by depositing it in the U.S. Mail, in an envelope with sufficient postage affixed, addressed as follows; or,

mailing it to the address indicted by their counsel of record in the Summons as follows:

E. Zachary Horton
106 Williams Street
Greenville, SC 29602

This the 6 day of NOV, 2013.



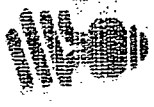
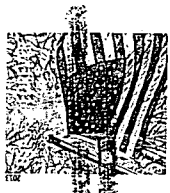
Ronald Ferguson

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SC Court of Appeals

Susan Ferguson
103 Mill Creek Rd.
Piedmont, FL 29673



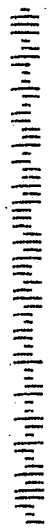
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SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211



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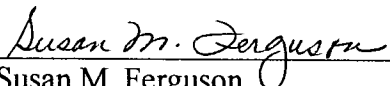
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Susan M. Ferguson
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864-509-0169
Pro-se

Other Counsel of Record:
Edward Zachary Horton
Post Office Box 2464
Greenville, South Carolina 29602
864-271-7424
Attorney for Respondent

STATE OF SOUTH CAROLINA)
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I certify, that on this date, I served a copy of the foregoing Appellants Challenge of Respondents' Costs in this action, dated November 6, 2013 on Respondent's Attorney of record by:

_____ delivering it to him/her personally; or,

_____ mailing it to him/her, at his/her last known address, by depositing it in the U.S. Mail, in an envelope with sufficient postage affixed, addressed as follows; or,

X mailing it to the address indicted by their counsel of record in the Summons as follows:

E. Zachary Horton
106 Williams Street
Greenville, SC 29602

This the 6th day of November, 2013.

Susan Ferguson
Susan Ferguson

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SC Court of Appeals

Randall R. Williams, Esquire
Attorney At Law
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SC Court of Appeals

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