

The Lake Law Firm, LLC

**1034 Briargate Circle, Suite 201
Columbia, SC 29210**

Dietrich A. Lake

**Office 803/ 750-8311
Fax 803/ 750-8312**

March 12, 2014

RECEIVED

MAR 14 2014

S.C. SUPREME COURT

Jenny Abbott Kitchings
Clerk of Court
The South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29201

Re: Lehua Figueroa and Nohealani Figueroa v. CBL/Columbia Place Mall; and
ERMC II, LLP
Civil Action No.: 2009-CP-40-3996

Dear Ms. Kitchings:

Please find enclosed an original and six (6) copies of the Respondent's Motion for Costs and Certificate of Service. By copy of this letter, I am serving opposing counsels with a copy of this Motion. Please file the original and return a copy to my attention in the enclosed envelope.

It is my understanding that there is no fee for this motion based upon your letter to me dated August 9, 2012. Please advise me if this is no longer correct and that a fee is required.

I appreciate your cooperation and prompt attention in this matter. Please feel free to contact me should you have any additional questions.

With kind regards,



Dietrich A. Lake

cc: R. Hawthorne Barrett
Shannon Bobertz

RECEIVED

MAR 13 2014

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

Appellate Case No.: 2012-212982
Lower Court Case No.: 2009-CP-40-3996

MAR 13 2014

SC Court of Appeals

LEHUA FIGUEROA;)
NOHEALANI FIGUEROA)
)
v.)
)
CBL/COLUMBIA PLACE, LLC; and)
ERMC II, LP)

MOTION FOR COSTS ON APPEAL
RULE 222 (b) & RULE 242 (j)(2)

NOW COMES the Respondents Lehua Figueroa and Nohealani Figueroa, by and through undersigned counsel, and moves before this Honorable Court to order costs on appeal against the Appellants CBL/COLUMBIA PLACE, LLC and ERMC, II, L.P. pursuant to Rule 222 (b) and Rule 242 (j)(2), SCACR.

In support thereof, the Respondents aver as follows:

1. A judgment was issued against the Appellants on October 22, 2010, in Richland County Common Pleas Court.
2. Appellants appealed award of this judgment on February 28, 2011.
3. Respondents incurred costs of \$586.11 for a copy of the transcript of the trial and copying fees for the Final Brief (See attached Itemized Statement of Costs).
4. Furthermore, counsel for the Respondents incurred attorney fees in the presentation of the Respondent's Reply Brief and oral arguments in this case.
5. By the South Carolina Supreme Court's Order dated July 24, 1997, the amount of attorney's fee is set at \$1,000.
6. This Court of Appeals "**AFFIRMED**" the ruling of the trial court with a pending remittitur date.

RECEIVED

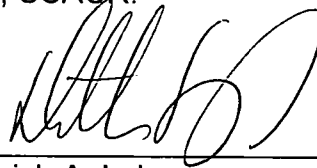
MAR 14 2014

7. The Appellant file a Petition of Writ of Certiorari with the Supreme Court to review the Court of Appeals opinion in this case on July 25, 2012.

8. The Supreme Court denied the Appellant's petition on February 6, 2014.

9. Pursuant to Rule 222 (b), and Rule 242 (j)(2), SCACR, the Respondents are entitled to recover costs incurred for the cost of the court reporter's transcript in the amount of \$500.00, the cost of printing and copying the party's final brief in the amount of \$86.11, and the cost of printing and copying the Respondent's brief under Rule 242 (i) in the amount of \$12.80 . Furthermore, the party shall be entitled to recover for attorney's fees in the amount of \$1000.00 pursuant to Rule 222 (b) and \$1000.00 pursuant to Rule 242 (j)(2).

WHEREFORE, the Respondents respectfully request that this Honorable Court grant its Motion for Costs on Appeal in the amount of \$2598.11 for the cost of the court reporter's transcript, the cost of printing and copying the final brief, the cost of printing and copying the Respondent's brief pursuant to Rule 242 (i), and for attorney's fees pursuant to Rule 222 (b), and Rule 242 (j)(2), SCACR.



Dietrich A. Lake
The Lake Law Firm
1034 Briargate, Circle, Suite 201
Columbia, SC 29210
803/750-8311 office
803/750-8312 fax
Attorney for Respondents

March 12, 2014
Columbia, South Carolina

ITEMIZED STATEMENT OF COSTS

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

LEHUA FIGUEROA; and)
 NOHEALANI FIGUEROA)
)
 v.)
)
 CBL/COLUMBIA PLACE, LLC; and)
 ERMIC II, LP)

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

CBL/Columbia Place, LLC; and ERMIC II, LP

COSTS TAXABLE UNDER RULE 222, SCACR	NO. OF PAGES	RATE	REQUESTED	ALLOWED (For Court Use Only)
Cost of Printing or Copying Final Brief	626	\$86.11	\$86.11	
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	770	\$500.00	\$500.00	
Attorney's Fee Provided By Rule 222(b), SCACR		\$1000.00	\$1000.00	
Other (specify and explain):				

COSTS TAXABLE UNDER RULE 242(j), SCACR				
Cost of Printing or Copying Reply Brief	160	\$12.80	\$12.80	
Cost of Printing or Copying Appendix				
Filing fee paid under Rule 242(c), SCACR				
Attorney's fee provided by Rule 242(j)(2), SCACR		\$1000.00	\$1000.00	
Other (specify and explain):				
		TOTAL	\$2598.91	

I, Dietrich A. Lake, 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.

Dietrich A. Lake
 (Signature)
 Attorney for Respondents

Subscribed and sworn to before me this 12th day of March, 2014.

Elaine Pearson

Notary Public for South Carolina
 My Commission Expires: 6/19/2016

(Seal)

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

The Honorable Alison R. Lee, Circuit Court Judge

Case No.: 2009-CP-40-3996

RECEIVED

MAR 14 2014

S.C. Supreme Court

Lehua Figueroa and Nohealani
Figueroa,.....Respondents,

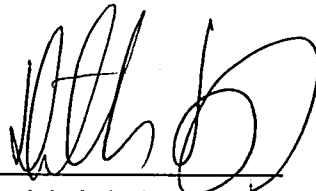
v.

CBL/Columbia Place Mall, LLC; and
ERMC II, LLP,.....Appellants.

CERTIFICATE OF SERVICE

The undersigned counsel for the Plaintiffs-Respondents hereby certifies that the
Motion for Costs was served and delivered upon counsel for the Appellant's by U.S. mail to:
R. Hawthorne Barrett and Shannon F. Bobertz, Turner Padgett, P.O. Box 1473, Columbia, SC
29202, on March 12, 2014.

March 12, 2014



Dietrich A. Lake
1034 Briargate Circle, Ste. 201
Columbia, SC 29210
803-750-8311
ATTORNEY FOR RESPONDENTS

RECEIVED

MAR 13 2014

SC Court of Appeals