

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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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.

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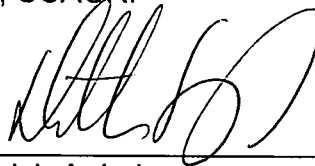
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7. The Appellant file a Petition of Writ of Certiorari with the Supreme Court to review the Court of Appeals opinion in this case on July 25, 2012.

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
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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 P. Cannon

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

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S.C. Supreme Court

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

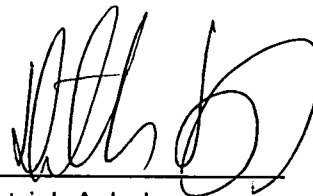
v.

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



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ATTORNEY FOR RESPONDENTS

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SC Court of Appeals