

THE STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

APPEAL FROM LANCASTER COUNTY

COURT OF COMMON PLEAS

KENNETH E. GOODE, CIRCUIT COURT JUDGE

**RECEIVED**

MAR 20 2014

S.C. Supreme Court

APPELLATE CASE NUMBER: 2011-194189

Frances S. Hudson, Deceased Employee, by Kenneth L. Hudson and Keith B. Hudson, Co-Executors of her Estate, as well as Matthew Deese and/or Andrew Deese, of whom Kenneth L. Hudson and Keith B. Hudson are..... PETITIONERS/RESPONDENTS.

v.

Lancaster Convalescent Center, Employer, and Legion Insurance Company, In Liquidation through the South Carolina Property and Casualty Insurance Guaranty Association, Carrier, ..... RESPONDENTS/PETITIONERS.

**MOTION FOR COSTS**

Pursuant to Rules 222 (b) and 242 (j) of the South Carolina Appellate Court Rules, Petitioners/Respondents, Frances S. Hudson, deceased, by Kenneth L. Hudson and Keith B. Hudson, Co-Executors of her Estate, request that the costs of this appeal be taxed against Respondents/Petitioners, Lancaster Convalescent Center, Employer, and Legion Insurance Company, In liquidation through the South Carolina Property and Casualty Insurance Guaranty Association.

Rule 222 (b) prescribes that a prevailing party may be awarded costs encompassing the charges incidental to printing the Final Briefs and the \$1,000 attorney fee figure set by this Court. Rule 242 (j) also vests this Court with the discretion to award additional costs, including a separate \$1,000 attorney fee, to the prevailing party where its decision on Writ of Certiorari

results in affirmance of the lower court judgment that was reviewed by the Court of Appeals or reverses the Court of Appeals' ruling.

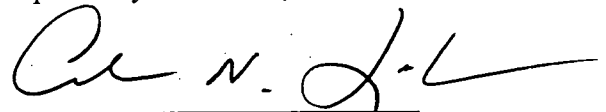
In this instance, the Court: (a) affirmed the judgment of the circuit court and Court of Appeals relative to the issues which were the subject of Lancaster Convalescent Center's/Guaranty Association's Petition for Writ of Certiorari; while (b) reversing rulings which were the subject of Estate's Petition for Writ of Certiorari from the Court of Appeals. In view of these circumstances, as well as the lack of finality as to the Court of Appeal's affirmance of the issues for which Estate was a Respondent until adjudication on certiorari, Estate respectfully submits the Court may award aggregate attorney fees of \$2,000, as well as specified costs incidental to the respective levels of appeal. Given the lengthy duration of this litigation and the Court's favorable resolution of all issues presented on appeal, Estate respectfully submits its attorney fee and cost requests are reasonable.

The citation for this Court's opinion is Frances S. Hudson, deceased, by Kenneth L. Hudson and Keith B. Hudson, Co-Executors of her Estate, as well as Matthew Deese and/or Andrew Deese v. Lancaster Convalescent Center, Employer, and Legion Insurance Company, In liquidation through the South Carolina Property and Casualty Insurance Guaranty Association, Op. No. 27348 (S.C. Sup. Ct. filed January 8, 2014).

In accordance with Rules 222 (d) and 242 (j) (4), an itemized statement of costs is attached to this Motion.

March 20, 2014

Respectfully submitted,



Andrew N. Safran  
Post Office Box 12089  
Columbia, South Carolina 29211  
(803) 256-6689  
Attorney for Petitioners/Respondents,  
Kenneth L. Hudson and Keith B. Hudson

**Frances S. Hudson, Deceased Employee, by Kenneth L. Hudson and Keith B. Hudson,  
Co-Executors of her Estate, as well as Matthew Deese and/or Andrew Deese, of whom Kenneth  
L. Hudson and Keith B. Hudson are..... PETITIONERS/RESPONDENTS.**

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..... RESPONDENTS/PETITIONERS.**

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**ITEMIZATION OF COSTS**

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1)	South Carolina Supreme Court	\$100.00
2)	The Copy Shop	\$111.30
TOTAL:		<u>\$211.30</u>

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**CERTIFICATE OF SERVICE**

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I, Roxanne R. Moorner, paralegal for Andrew N. Safran, Esquire, Attorney for Petitioners, do hereby certify that on the 20<sup>th</sup> day of March, 2014, I caused to be filed, via hand delivery, the original and six (6) copies of the Petitioner's/Respondent's Motion for Costs, with the Clerk of the South Carolina Supreme Court. One (1) copy of the Motion for Costs was furnished to counsel for Respondents via first class mail at the following address:

E. Ros Huff, Jr., Esquire  
HUFF LAW FIRM, LLC  
Post Office Box 1935  
Irmo, South Carolina 29063

Attorney for Appellants, Lancaster Convalescent Center and Legion Insurance Company in liquidation through S.C. Property and Casualty Insurance Guaranty Assoc.

Mark D. Cauthen, Esquire  
McKay, Cauthen, Settana & Stublely, P.A.  
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Attorneys for S.C. Property and Casualty Insurance Guaranty Assoc.

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March 20, 2014