

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM NEWBERRY COUNTY
Court of Common Pleas

Frank R. Addy, Jr., Circuit Court Judge

Case No. 2008-CP-36-428

Forrest Byrd, Appellant,

v.

Judy Livingston and TIAA Timberlands, II, LLC, Respondents.

APPELLANT'S RETURN TO RESPONDENTS'
SEPARATE MOTIONS FOR COSTS

Respondents filed a joint Respondents' Brief and in all respects presented a joint and unified argument in the appeal. The undersigned's recollection is that only attorney Coskrey, attorney for Respondent TIAA, made argument to the Court at oral argument. The motions for costs indicate that the Respondents seek only one set of costs for the briefs but that each of Respondents' attorneys has moved for the maximum amount of attorneys fees allowed by Rule 222(b), SCACR. Appellant objects to the double-dip and submits that if the Court is inclined to exercise its discretion to award attorney fees, only \$1,000 should be awarded, to be shared by the Respondents' attorneys.



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Attorney for Appellant

May 21, 2014

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Frank R. Addy, Jr., Circuit Court Judge

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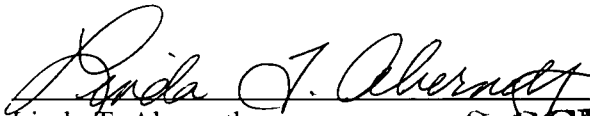
Judy Livingston and TIAA Timberlands, II, LLC, Respondents.

CERTIFICATE OF SERVICE

I, Linda T. Abernethy, Legal Assistant to B. Michael Brackett, Esquire, attorney for the Appellant in the above-captioned matter, do hereby certify that I have served counsel for the Defendants/Respondents with a copy of **Appellant's Reply to Respondents' Motions for Costs** by United States Mail, postage prepaid and return address clearly indicated on said envelope, on this 21st day of May, 2014 at the following addresses:

Timothy D. Savidge, Esquire
P.O. Box 419
Prosperity, SC 29127
Attorney for Respondent Judy Livingston

Blaney A. Coskrey, III, Esquire
Capitol Center Tower
1201 Main St., Suite 1980
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Attorney for Respondent
TIAA Timberlands, II, LLC


Linda T. Abernethy

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May 21, 2014

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

RE: Byrd v. Livingston and TIAA Timberlands II, LLC
C/A No.: 2008-CP-36-428
Court of Appeals Appellate Case No.: 2010-180569
Our File Number - 12113.1

Dear Ms. Kitchings:

Enclosed please find Appellant's original Return to the Respondents' separate Motions for Costs. By copy of this letter, a copy of the enclosed Return is being served on Respondents' attorneys.

Thank you for your assistance.

Very truly yours,



B. Michael Brackett

BMB/lta
Enclosure

cc. Forrest Byrd
Blaney A. Coskrey, III, Esquire
Timothy D. Savidge, Esquire

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SC Court of Appeals

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SC Court of Appeals

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