

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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APPEAL FROM RICHLAND COUNTY  
DeAndrea G. Benjamin, Circuit Court Judge

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Case No. 2009-CP-40-0189

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**RECEIVED**

MAY 29 2014

**S.C. SUPREME COURT**

George M. Lee, III, and Elizabeth Sims, ..... Plaintiffs,

Of Whom, George M. Lee, III is the, ..... Appellant,

v.

University of South Carolina and the  
University of South Carolina Gamecock Club, ..... Respondents.

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**RETURN TO MOTION FOR COSTS ON APPEAL**

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The Appellant George M. Lee, III has filed a timely motion for costs on appeal. The Respondents University of South Carolina and the University of South Carolina Gamecock Club (collectively "University") do not oppose the Appellant's motion with the exception of the costs incurred in copying the Record on Appeal.

The Appellant is seeking the reimbursement of \$622.06 in costs incurred for the copying of the Record on Appeal. The Appellant's counsel has provided the following three invoices from Kane Office Technologies, Inc. that total that amount:

Invoice dated 4-16-13	\$ 24.25
Invoice dated 4-16-13	\$ 431.40
Invoice dated 4-26-13	\$ 166.41

(Exhibit A). The University does not dispute the Appellant's entitlement to the two invoices dated April 16, 2013, which total \$455.65.

By way of explanation, on April 18, 2013, the Appellant's counsel served the Record on Appeal. There were a number of errors and deficiencies with the Record on Appeal as served. The University's counsel sent a letter to Appellant's counsel dated April 22, 2013, requesting that corrections be made. (Exhibit B). The Appellant's counsel did make those corrections, and on April 26, 2013, he served a Corrected Record on Appeal. The third invoice, which is dated April 26, 2013, in the amount of \$166.41 was incurred in order to make the corrections to the Record on Appeal. The University submits that it should not be responsible for reimbursing the Appellant for the costs of making corrections to the Record on Appeal that were no fault of the Respondents.

In sum, the University objects to the \$166.41 invoice. In all fairness, the University contends that the Court should not be required to reimburse the

Appellant for \$166.41 in the requested costs because that amount was incurred only to correct errors made by the Appellant in preparing the original Record on Appeal.

Respectfully submitted,

DAVIDSON & LINDEMANN, P.A.

BY: 

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ANDREW F. LINDEMANN  
WILLIAM H. DAVIDSON, II  
1611 Devonshire Drive  
Post Office Box 8568  
Columbia, South Carolina 29202  
(803) 806-8222

*Counsel for Respondents*

Columbia, South Carolina

May 27, 2014

# **Exhibit A**

# Kane Office Technologies, Inc.

'Your Partners in Document Management'

1216 Taylor St.  
 Columbia, SC 29201  
 803-256-9085 or 803-256-KANE  
 Fed Tax ID# 57-0780818

# Invoice

Date
4/16/2013
Invoice #
28271

Bill To

**Hardee Law Firm**  
**Mark W Hardee**  
**2301 Devine Street**  
**Columbia, South Carolina 29205**

**For All Your Document Copying  
 and Imaging needs  
 Call Kane at 803-256-KANE**

Task Number	File Number	Submitted By:		Terms
26803	George Lee	Vickie		
Description		Quantity	Rate	Amount
Class C copies on 20# bond		141	0.139	19.60T
Digital Numbering (on copies only)		138	0.02	2.76T
White 67lb Vellum Bristol Cover		2	0.15	0.30T

Received By: \_\_\_\_\_

Sales Tax.. \$1.59

**Total** \$24.25

**From Digital Document Imaging to Data Conversion and E-Discovery, Kane is Your  
 Partner from the Capture process to the End User. Call Kane for a list of our  
 equipment and software. 803-256-9085**

# Kane Office Technologies, Inc.

'Your Partners in Document Management'

1216 Taylor St.

Columbia, SC 29201

803-256-9085 or 803-256-KANE

Fed Tax ID# 57-0780818

## Invoice

Date
4/16/2013
Invoice #
28272

Bill To

Hardee Law Firm  
Mark W Hardee  
2301 Devine Street  
Columbia, South Carolina 29205

For All Your Document Copying  
and Imaging needs  
Call Kane at 803-256-KANE

Task Number	File Number	Submitted By:		Terms
26804	George Bell	Vickie		
Description		Quantity	Rate	Amount
Class C copies on 20# bond		2,538	0.139	352.78T
White 67lb Vellum Bristol Cover		36	0.15	5.40T
1/2" Spiral Bind(s)		18	2.50	45.00T

Received By: \_\_\_\_\_

Sales Tax.. \$28.22

**Total \$431.40**

From Digital Document Imaging to Data Conversion and E-Discovery, Kane is Your Partner from the Capture process to the End User. Call Kane for a list of our equipment and software. 803-256-9085

# Kane Office Technologies, Inc.

'Your Partners in Document Management'

1216 Taylor St.

Columbia, SC 29201

803-256-9085 or 803-256-KANE

Fed Tax ID# 57-0780818

## Invoice

Date
4/26/2013
Invoice #
28310

**Bill To**

Hardee Law Firm  
Mark W Hardee  
2301 Devine Street  
Columbia, South Carolina 29205

For All Your Document Copying  
and Imaging needs  
Call Kane at 803-256-KANE

Task Number	File Number	Submitted By:		Terms
26837	George Bell	Vickie		
Description		Quantity	Rate	Amount
Class C copies on 20# bond		1,080	0.139	150.12T
White 67lb Vellum Bristol Cover		36	0.15	5.40T

Received By: \_\_\_\_\_

Sales Tax.. \$10.89

**Total** \$166.41

From Digital Document Imaging to Data Conversion and E-Discovery, Kane is Your Partner from the Capture process to the End User. Call Kane for a list of our equipment and software. 803-256-9085

## **Exhibit B**

# DAVIDSON & LINDEMANN, P.A.

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ATTORNEYS AND COUNSELLORS AT LAW

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Andrew F. Lindemann\*  
James M. Davis, Jr.†  
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†Certified Mediator

April 22, 2013

Writer's Email: [alindemann@dml-law.com](mailto:alindemann@dml-law.com)

**Via Email and US Mail**

Mark W. Hardee, Esquire  
The Hardee Law Firm  
2301 Devine Street  
Columbia, South Carolina 29205

RE: George M. Lee, III and Elizabeth Sims v. University of South Carolina and the  
University of South Carolina Gamecock Club  
SCCA Tracking Number: 2012-212567  
Civil Action Number: 2009-CP-40-00189  
Our File Number: 356.8042

Dear Mark:

I am in receipt of the Record on Appeal that you served on April 18, 2013. I have now had the opportunity to review the Record on Appeal as prepared, and I found a number of discrepancies that need to be corrected before Final Briefs can be prepared and filed. Specifically, there are a number of problems with the exhibits. I noticed that none of the exhibits included in the Record on Appeal contain the exhibit stickers. Thus, I am presuming that you did not obtain a copy of the actual trial exhibits from the Clerk of Court. In comparing the trial exhibits that you included in the Record on Appeals with the trial exhibits that actually were admitted into evidence at trial, I noted numerous differences. Some exhibits were missing pages; some exhibits contained too many pages; and some exhibits were altogether different. In addition, the alternating pages of Plaintiff's Exhibit #6 (the YES Program brochure) were reproduced upside down. In short, the exhibits need to be completely re-done and replaced with the actual trial exhibits, and they need to be reproduced accurately.

In addition, we were advised by letter dated March 27, 2013 from Claire Allen as to the correct caption to use on all future filings, and I noted that you did not use the correct caption on the cover of the Record on Appeal. Finally, the cover of the Record on Appeal only identified me as counsel of record for the Respondents. When you re-do the cover, please include myself, William H. Davidson, II and Joel S. Hughes as counsel for Respondents.

Mark W. Hardee, Esquire  
April 22, 2013  
Page Two

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Please advise whether you will be serving and filing a corrected version of the Record on Appeal. I assume we can agree that corrections are needed without the filing of a motion, but please confirm that.

I look forward to hearing from you. If you have any questions, please let me know.

Sincerely,

DAVIDSON & LINDEMANN, P.A.



Andrew F. Lindemann

AFL/

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM RICHLAND COUNTY  
DeAndrea G. Benjamin, Circuit Court Judge

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Opinion No. 27372  
(S.C. S.Ct. filed April 2, 2014)

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George M. Lee, III, and Elizabeth Sims, ..... Plaintiffs,

Of Whom, George M. Lee, III is the, ..... Appellant,

v.

University of South Carolina and the  
University of South Carolina Gamecock Club, ..... Respondents.

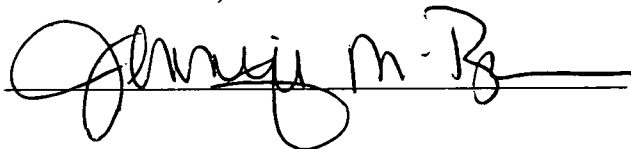
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**CERTIFICATE OF SERVICE**

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The undersigned employee of Davidson & Lindemann, P.A., attorneys for the Respondents, does hereby certify that service of the **Return to Appellant's Motion for Costs on Appeal** in the above-captioned matter was made upon all counsel of record by placing a copies in the United States Mail, first class postage prepaid, at the below listed address clearly indicated on said envelope this the 27th day of May 2014:

Mark W. Hardee, Esquire  
The Hardee Law Firm  
2301 Devine Street  
Columbia, South Carolina 29205



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