

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM BEAUFORT COUNTY  
Carmen Tevis Mullen, Circuit Court Judge

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Opinion No. 2012-UP-623  
(S.C. Ct. App. filed February 20, 2013)

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**SC Court of Appeals**

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JUN - 2 2014

L. Paul Trask, Jr., individually, as a citizen, resident,  
taxpayer and registered elector of the State of South Carolina,  
and on behalf of others similarly situated, ..... Appellant,

**S.C. Supreme Court**

v.

South Carolina Department of Public Safety, Beaufort County,  
Beaufort County Management Information Systems,  
Beaufort County Coroner Curtis Copeland in his official capacity,  
and Beaufort County Sheriff P.J. Tanner in his official capacity, ..... Respondents.

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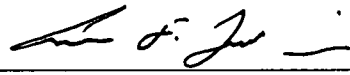
**MOTION FOR COSTS ON APPEAL**

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The Respondent South Carolina Department of Public Safety moves this  
Court, pursuant to Rule 222(d), SCACR, to tax costs on appeal in the amount of  
\$1,092.92 against the Appellant L. Paul Trask, Jr.

The requested costs on appeal are set forth in the Statement of Costs on Appeal which is filed herewith.

DAVIDSON & LINDEMANN, P.A.

BY:  \_\_\_\_\_

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

*Counsel for Respondent South Carolina  
Department of Public Safety*

Columbia, South Carolina

May 29, 2014

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**MEMORANDUM IN SUPPORT OF  
MOTION FOR COSTS ON APPEAL**

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On February 20, 2013, the South Carolina Court of Appeals issued an unpublished decision dismissing the Appellant's appeal against the Respondent

South Carolina Department of Public Safety ("SCDPS") on the basis that the Appellant "failed to properly serve the notice of appeal." The Appellant thereafter filed a petition for rehearing which was denied.


The Appellant L. Paul Trask, Jr. then filed a petition for writ of certiorari with the South Carolina Supreme Court. That petition was denied by Order dated May 7, 2014. The Remittitur was then issued by this Court on May 15, 2014. In sum, the Respondent SCDPS prevailed on appeal.

Rule 222(a), SCACR, provides that "costs shall be taxed against appellant when the appeal is dismissed or judgment on appeal is affirmed." See, Rule 222(a), SCACR. Therefore, as the prevailing party, the Respondent SCDPS is entitled to an award of costs on appeal in accordance with Rule 222(b), SCACR, which includes the costs of printing the final briefs. The Respondent SCDPS is also entitled to attorneys' fees of \$1,000.00, which is an amount set by order of the Supreme Court.

As a result, the Respondent South Carolina Department of Public Safety moves this Court, pursuant to Rule 222(d), SCACR, for costs on appeal in the amount of \$1,092.92. The requested costs on appeal are set forth in the Statement of Costs on Appeal, which is also filed herewith.

Respectfully submitted,

DAVIDSON & LINDEMANN, P.A.

BY:   
\_\_\_\_\_

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

*Counsel for Respondent South Carolina  
Department of Public Safety*

Columbia, South Carolina

May 29, 2014

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

L. Paul Trask, Jr., individually, as a citizen, )  
resident, taxpayer and registered elector of )  
the State of South Carolina, and on behalf )  
of others similarly situated, )

Appellant, )

v. )

South Carolina Department of Public Safety, )  
Beaufort County, Beaufort County )  
Management Information Systems, )  
Beaufort County Coroner Curtis Copeland )  
in his official capacity, and Beaufort County )  
Sheriff P.J. Tanner in his official capacity, )

Respondents. )

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**STATEMENT OF COSTS ON APPEAL**

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The Clerk of the South Carolina Court of Appeals is requested to tax the following costs against the Appellant:

COSTS AND FEES TAXABLE UNDER RULE 222(d), SCACR	NO. OF PAGES	RATE	REQUESTED	ALLOWED <small>(For Court use only)</small>
Cost of Printing Final Brief in Court of Appeals:			\$ 92.92	
Attorney's Fee Provided By Rule 222(b), SCACR			\$1,000.00	
Other (specify and explain):				
		<b>TOTAL ....</b>	<b>\$ 1,092.92</b>	

I, Andrew F. Lindemann, do swear that the foregoing costs are correct and were necessarily incurred in this action. A copy of this statement was served upon the Appellant's counsel by first class mail.



\_\_\_\_\_  
ANDREW F. LINDEMANN

*Counsel for Respondent South Carolina Department  
of Public Safety*

SWORN TO BEFORE ME THIS 29th  
DAY OF MAY 2014



\_\_\_\_\_(SEAL)  
NOTARY PUBLIC FOR S.C.  
COMMISSION EXPIRES: 01-13-2020

Approved: \_\_\_\_\_  
CLERK

THE STATE OF SOUTH CAROLINA  
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**CERTIFICATE OF SERVICE**

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The undersigned employee of Davidson & Lindemann, P.A., counsel for the Respondent South Carolina Department of Public Safety, does hereby certify that service of the below listed documents in the above-captioned matter was made upon all counsel of record by placing copies in the United States Mail, first class

postage prepaid, at the below listed addresses clearly indicated on said envelopes this the 29th day of May 2014:

1. Motion for Costs on Appeal
2. Memorandum in Support of Motion for Costs on Appeal
3. Statement of Costs on Appeal

Thomas S. Tisdale, Jr., Esquire  
Jason S. Smith, Esquire  
Hellman Yates & Tisdale, P.A.  
145 King Street - Suite 102  
Charleston, South Carolina 29401

Mary Bass Lohr, Esquire  
Howell, Gibson & Hughes, P.A.  
Post Office Box 40  
Beaufort, South Carolina 29901

A handwritten signature in black ink, appearing to read 'Mary Bass Lohr', is written over a horizontal line. The signature is stylized and cursive.

# DAVIDSON & LINDEMANN, P.A.

ATTORNEYS AND COUNSELLORS AT LAW

William H. Davidson, II  
Andrew F. Lindemann\*  
James M. Davis, Jr.†  
Robert D. Garfield  
Michael B. Wren

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Daniel C. Plyler  
Joel S. Hughes  
Justin T. Bagwell  
David A. DeMasters  
Steven R. Spreeuwiers  
Todd R. Flippin

\*Also Admitted In North Carolina  
†Certified Mediator

May 29, 2014

Of Counsel  
Kenneth P. Woodington

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

**Hand Delivered**

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
Edgar Brown Building  
1205 Pendleton Street  
Columbia, South Carolina 29201

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JUN - 2 2014

**S.C. Supreme Court**

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~~SC Court of Appeals~~

RE: L. Paul Trask, Jr., individually, as a citizen, resident, taxpayer and registered elector of the State of South Carolina, and on behalf of others similarly situated v. South Carolina Department of Public Safety, Beaufort County; Beaufort County Management Information Systems; Beaufort County Coroner Curtis Copeland in his official capacity; Beaufort County Sheriff P.J. Tanner in his official capacity  
SCCA Case Tracking Number: 2009-145927  
Civil Action Number: 2007-CP-07-0995  
Our File Number: 107.8010

Dear Ms. Kitchings:

Please find enclosed for filing the originals and seven copies each of the below listed documents with regard to the above referenced matter.

1. Motion for Costs on Appeal
2. Memorandum in Support of Motion for Costs on Appeal
3. Statement of Costs on Appeal

Please file the originals and return a clocked-in copy of each document to me by way of my courier. I have not enclosed the filing fee since the South Carolina Department of Public Safety is exempt.

By copy of this letter, I am serving copies on all counsel of record.

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**SC Court of Appeals**

The Honorable Jenny Abbott Kitchings  
May 29, 2014  
Page Two

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Thank you for your assistance in this matter.

Sincerely,

DAVIDSON & LINDEMANN, P.A.



Andrew F. Lindemann

AFL/jmb  
Enclosures

cc: (w/ Enclosures)

Thomas S. Tisdale, Jr., Esquire  
Jason S. Smith, Esquire  
Hellman Yates & Tisdale, P.A.  
145 King Street - Suite 102  
Charleston, South Carolina 29401

Mary Bass Lohr, Esquire  
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