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THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM THE
ADMINISTRATIVE LAW COURT

John D. McLeod, Administrative Law Judge

Lower Court Case No.: 11-ALJ-22-0343-AP

Appellate Case No.: 2011-203268

RECEIVED

JUN 02 2014

SC Court of Appeals

William Lippincott,

Appellant,

v.

South Carolina Department of Employment
and Workforce and Wal-Mart Associates, Inc.,

Respondents,

MOTION FOR COSTS

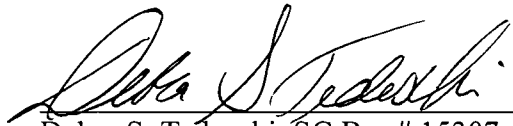
Respondent, the South Carolina Department of Employment and Workforce (SCDEW), moves this Court for an order granting costs to DEW, as described in the attached Itemized Statement of Costs.

This motion is made pursuant to Rule 222, SCACR. It is based upon the unpublished opinion of this Court, dated January 30, 2013, which **affirmed** the Administrative Law Court's decision. *See* Rule 222(a), SCACR (generally, "costs shall be taxed against the appellant when ... judgment on appeal is affirmed"). On May 7, 2014, the South Carolina Supreme Court

denied Appellant's Petition for a Writ of Certiorari. Therefore, pursuant to the Appellate Court Rules, this Court is the appropriate court for this Motion. Rule 222(e), SCACR ("If a petition for a writ of certiorari is sought under Rule 242, the Court of Appeals shall tax costs only in those cases in which the petition for a writ of certiorari is denied."). The motion is timely as the Remittitur was issued by this Court on May 15, 2014. Finally, taxes may be assessed because this matter is neither a criminal nor a post-conviction relief case. Rule 222(f), SCACR ("This Rule does not apply to criminal cases or post-conviction relief cases.").

Accordingly, SCDEW requests that costs be assessed as itemized in the attached.

Respectfully Submitted,



Debra S. Tedeschi, SC Bar # 15307
Deputy General Counsel
S.C. Dept. of Employment & Workforce
Post Office Box 8597
Columbia, SC 29202
(803) 737-0395
legal@dew.sc.gov
Attorney for Respondent

May 30, 2014

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

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John D. McLeod, Administrative Law Judge

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Respondents,


ITEMIZED STATEMENT OF COSTS

The Appellate Court is requested to tax the following costs against Appellant:

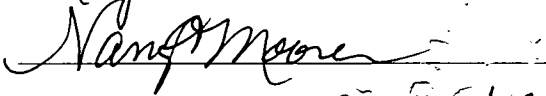
COSTS TAXABLE UNDER RULE 222, SCACR	NO. OF PAGES	RATE	REQUESTED	ALLOWED (For Court Use Only)
Cost of Printing or Copying Final Brief				
Cost of Printing or Copying Final Reply Brief				
Cost of Printing or Copying Record on Appeal				
Filing Fee Paid Under Rule 203(d), SCACR				
Cost of Court Reporter's				

Transcript				
Attorney's Fee Provided By Rule 222(b), SCACR	N/A	\$ 1,000.00	\$ 1,000.00	
Other (specify and explain):				
COSTS TAXABLE UNDER RULE 242(j), SCACR				
Cost of Printing or Copying Brief				
Cost of Printing or Copying Reply Brief				
Cost of Printing or Copying Appendix				
Filing fee paid under Rule 242(c), SCACR				
Attorney's fee provided by Rule 242(j)(2), SCACR				
Other (specify and explain):				
		TOTAL	\$ 1,000.00	

I, Debra Sherman Tedeschi, 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 opposing counsel.


Debra S. Tedeschi, SC Bar # 15307
Attorney for Respondent, SCDEW

Subscribed and sworn to before me this 30th day of May, 2014.


Notary Public for Richland Co

My Commission Expires: April 1, 2021

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South Carolina Department of Employment
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Respondent.

PROOF OF SERVICE

I certify that I have served the Respondent South Carolina Department of Employment and Workforce's Motion for Costs on the parties in this case by depositing a copy of it in the United States Mail, postage prepaid, on May 30, 2014, addressed to the Attorney for the Appellant at their address of record:

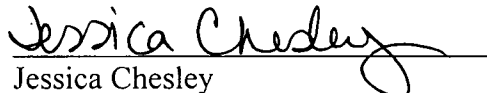
Susan Firimonte
SC Legal Services
320 S. Coit Street
Florence, SC 29501

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SC Court of Appeals

May 30, 2014



Jessica Chesley
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SC Dept of Employment and Workforce
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Governor

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May 30, 2014

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: William Lippincott v. SCDEW and Wal-Mart Associates
Appellate Case No.: 2011-203268

Dear Ms. Kitchings:

Enclosed for filing are the original and six copies of the Motion for Costs of the Respondent, SC DEW in the above referenced case. Also enclosed is a Proof of Service to the other parties.

Please let me know if you have any questions.

Sincerely,

Jessica Chesley

Jessica Chesley
Administrative Legal Assistant for
Debra S. Tedeschi
Deputy General Counsel

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SC Court of Appeals