

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

72775

APPEAL FROM HAMPTON COUNTY
Court of Common Pleas

RECEIVED

JUL 09 2014

Perry M. Buckner, Circuit Court Judge
Carmen Tevis Mullen, Circuit Court Judge

SC Court of Appeals

Case No. 2009-CP-25-285

Gary Smart, Respondent,

v.

James Allen Grady, Louis Daniel Moffett, Lynwood Brantley
d/b/a Brantley Hauling and Randolph Murdaugh, III, Defendants,

of whom
James Allen Grady is Appellant.

MOTION FOR COSTS

Pursuant to Rule 222, SCACR, Gary Smart requests that the costs of this appeal be taxed against James Allen Grady, who was the appellant.

Rule 222(a) provides that unless the court orders otherwise or the parties agree otherwise, costs shall be taxed against the appellant when the appeal is dismissed or the judgment is affirmed. This Court dismissed this appeal by order dated September 21, 2012, and the Court issued the remittitur on June 24, 2014. Because the Court has not ordered otherwise and the parties have not agreed otherwise, the rule provides that the Court should award costs to Mr. Smart, who was the respondent.

In accordance with the instructions of Rule 222(d), an itemized statement of costs is attached to this motion.

Respectfully submitted,



John S. Nichols
SC Bar No. 4210
BLUESTEIN, NICHOLS, THOMPSON
& DELGADO, LLC
Post Office Box 7965
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(803) 779-7599

July 9, 2014

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Attorneys for Respondent

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

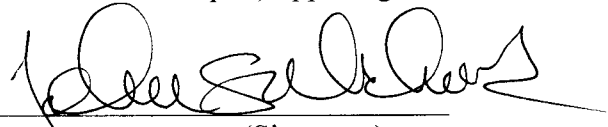
Gary Smart,)	
)	
Respondent,)	
)	
v.)	
)	
James Allen Grady, Louis Daniel Moffett, Lynwood Brantley d/b/a Brantley Hauling and Randolph Murdaugh, III,)	
)	
of whom)	
James Allen Grady is,)	
)	
Appellant.)	
)	

The appellate court is requested to tax the following costs against

James Allen Grady (the 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			\$1,000	
Other (specify and explain):				

COSTS TAXABLE UNDER RULE 242(j), SCACR				
Cost of Printing or Copying Brief				
Cost of Printing and 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, John S. Nichols, do swear or affirm that the forgoing costs are correct and were necessarily incurred in this action. A copy of this statement was (mailed to/served upon) opposing counsel.

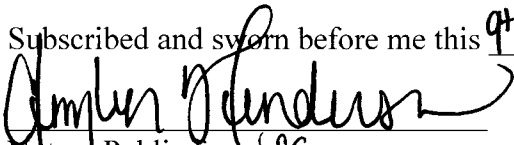


(Signature)

Attorney for

Respondent

Subscribed and sworn before me this 9th day of July, 2014.


 Notary Public for SC
 My Commission Expires: 4/1/2021

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Case No. 2009-CP-25-285

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of whom
James Allen Grady is Appellant.

PROOF OF SERVICE

The undersigned hereby certifies that on the date indicated below she served counsel of record with a copy of the *Motion for Costs and Itemized Statement of Costs* by mailing a copy of the same by United States Mail with first class postage prepaid to the following addresses:

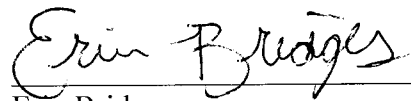
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July 9, 2013
Columbia, South Carolina



Erin Bridges
Paralegal
BLUESTEIN, NICHOLS, THOMPSON
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BLUESTEIN · NICHOLS · THOMPSON · DELGADO LLC
ATTORNEYS AT LAW

Margaret Miles Bluestein
John Shannon Nichols
Stacy Elizabeth Thompson
John Dennis Delgado
Allison Paige Sullivan
Ashley Trout Thompson
Blake Alexander Hewitt
Kenneth Henry Dojaquez
John Clarke Newton

OF COUNSEL
O. Eugene Powell, Jr.

July 9, 2014

VIA HAND DELIVERY

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

RE: Gary Smart v. Grady
Case Number: 2009-CP-25-285

Dear Ms. Kitchings:

Please find enclosed for filing the original and seven (7) copies of Respondents' *Motion for Costs* along with an itemized statement of costs in regards to the above referenced matter. I have also enclosed a proof of service upon counsel of record along with a check in the amount of \$25.00 for filing this motion. Please return the additional filed copy to me via our courier.

Thank you for your attention to this matter. If you have any questions or need any additional information, please do not hesitate to contact me.

Sincerely,

Erin Bridges

Paralegal to John S. Nichols
BLUESTEIN, NICHOLS, THOMPSON
& DELGADO, LLC

/emb

Enclosures

cc: Mark B. Tinsley, Esquire
Robert L. Widener, Esquire
Patrick M. Higgins, Esquire
Jason Franklin Ward, Esquire
John H. Tiller, Esquire
Erin D. Dean, Esquire