

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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AUG 05 2014

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

SC Court of Appeals

L. Casey Manning, Circuit Court Judge

173109

Appellate Case No. 2012-212377

Kevin Schumacher, Petitioner,

v.

Lance Hoover, Respondent.

MOTION FOR COSTS

The Petitioner Lance Hoover respectfully moves this Court for an award of costs to be assessed against the Appellant Kevin Schumacher in accordance with the provisions of Rule 222(b) of the South Carolina Appellate Court Rules, and in support of this motion states as follows:

1. Appellant and landlord Kevin Schumacher sued tenant and Respondent Lance Hoover on September 17, 2010, in Richland County, South Carolina, alleging that Dr. Hoover breached a residential lease. Dr. Hoover counterclaimed for damages including his security deposit, attorney fees, costs of moving, and costs of evaluating the toxic mold in the house.

2. Judge Casey Manning tried the case to a jury on January 3, 4, and 5, 2012. The jury found solely for Dr. Hoover and his family.

3. The parties filed post-trial motions. Mr. Schumacher filed a motion for judgment notwithstanding the verdict, while Dr. Hoover filed a motion for attorney's fees and damages, as stipulated during the trial. The Court awarded damages to Dr. Hoover on May 23, 2012, in the amount of \$30,910.93. This included attorney fees, costs, and three times the amount of the Hoover security deposit. On May 30, 2012, Mr. Schumacher filed a motion to amend the trial court's order pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure on the grounds his motion was not addressed in the order. The Circuit Court denied the motion.

4. Mr. Schumacher appealed this judgment to the Court of Appeals which affirmed the lower court's decision in Unpublished Opinion No. 2013-UP-432.

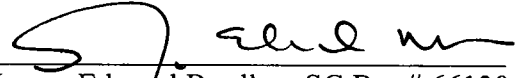
5. Mr. Schumacher filed a Petition for Certiorari which was denied by the South Carolina Supreme Court on July 11, 2014.

6. The Court of Appeals issued the remittitur on July 25, 2014.

7. Lance Hoover seeks costs as set forth in the sworn itemization of costs.

Wherefore, Lance Hoover respectfully asks the Court to enter an order assessing costs against Appellant Kevin Schumacher in the amount of \$1,446.75.

Respectfully submitted,



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Margaret Hazel, SC Bar # 100634
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Attorneys for Respondent/Petitioner
Lance Hoover

West Columbia, South Carolina

August 5, 2014

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ITEMIZED STATEMENT OF COSTS

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

Kevin Schumacher:

COSTS TAXABLE UNDER RULE 222, SCACR	NO. OF PAGES	RATE	REQUESTED	ALLOWED (For Court Use Only)
Cost of Printing or Copying Final Brief	19		\$78.75	
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			\$368.00	

Attorney's Fee Provided By Rule 222(b), SCACR			\$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	\$1,446.75	

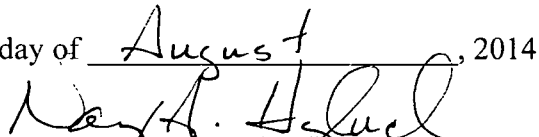
I, James Edward Bradley, do swear or affirm that the foregoing costs are correct and were necessarily incurred in this action. A copy of this statement was (mailed to/served upon) opposing counsel.



(Signature)

Attorney for Respondent/Petitioner Lance Hoover

Subscribed and sworn to before me this 5th day of August, 2014.



Notary Public for South Carolina

My Commission Expires: 5/28/2018
(Seal)

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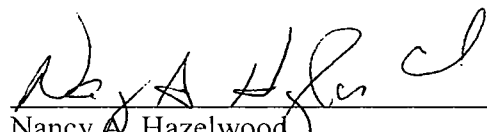
Lance Hoover, Respondent.

PROOF OF SERVICE

I certify that I have served the Motion for Costs and Itemized Statement of Costs on the Appellant by depositing a copy of them in the United States Mail, postage prepaid, on April 11, 2014, addressed to Appellant's counsel as follows:

Kirby D. Shealy, III, Esquire
P.O. Box 2285
Columbia, SC 29202

August 5, 2014



Nancy A. Hazelwood
Assistant to James Edward Bradley