

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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AUG 15 2014

APPEAL FROM SALUDA COUNTY
Court of Common Pleas
William P. Keesley, Circuit Court Judge

S.C. Supreme Court

Case No. 2008-CP-41-0004
Appellate Case No. 2012-212790

Dennis N. Lambries,

Respondent,

v.

Saluda County Council;
T. Hardee Horne, Chairman;
William "Billie" Pugh, Councilman;
Steve Teer, Councilman;
Jacob Schumpert, Councilman; and
James Frank Daniel, Sr., Councilman,

Petitioners.

MOTION FOR COSTS

Petitioners, Saluda County Council; T. Hardee Horne, Chairman; William "Billie" Pugh, Councilman; Steve Teer, Councilman; Jacob Schumpert, Councilman; and James Frank Daniel, Sr., Councilman; respectfully move this Court for an award of costs to be assessed against respondent, Dennis N. Lambries, in accordance with the provisions of Rule 242(j) of the South Carolina Appellate Court Rules, and in support of this motion state as follows:

1. Respondent brought this appeal in the South Carolina Court of Appeals, from an order of the Saluda County Court of Common Pleas. The Court of Appeals filed a decision June 13, 2012, reversing the lower court.

2. Petitioners sought rehearing in the Court of Appeals, which the Court of Appeals denied.

3. Petitioners sought a writ of certiorari to the Court of Appeals, which the Supreme Court granted.

4. The Supreme Court filed a decision June 18, 2014, reversing the Court of Appeals. The effect of the Supreme Court's decision was to affirm the judgment of the lower court.

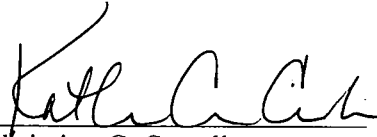
5. Respondent filed a petition for rehearing. The Supreme Court denied the petition for rehearing and issued the remittitur on August 6, 2014.

6. Because the Supreme Court's decision has the effect of affirming the judgment of the lower court, costs in this appeal should be assessed against the respondent, who was the appellant in the Court of Appeals, pursuant to Rule 242(j) of the South Carolina Appellate Court Rules.

7. Petitioners are seeking the costs allowed pursuant to Rules 222(b) and 242(j)(2), as set forth on the sworn itemized statement of costs accompanying this motion, in the total amount of \$2,458.79.

Wherefore, petitioners respectfully ask the Court to enter an order taxing costs against respondent, in the amount of \$2,458.79, to be made part of the judgment and to be added to the remittitur in accordance with Rule 242(j)(5) of the South Carolina Appellate Court Rules.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Christian G. Spradley", written over a horizontal line.

Christian G. Spradley
Moore Taylor Law Firm, P.A.
110 South Main Street
Saluda, South Carolina 29138
Telephone: (864) 445-4544
South Carolina Bar number 13755

Katherine Carruth Goode
229 South Congress Street
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Winnsboro, South Carolina 29180
Telephone: (803) 799-4440
South Carolina Bar number 8951

Attorneys for Petitioners

ITEMIZED STATEMENT OF COSTS

STATE OF SOUTH CAROLINA
In The Supreme Court

Dennis N. Lambries,)
)
Respondent,)
)
v.)
)
Saluda County Council;)
T. Hardee Horne, Chairman;)
William "Billie" Pugh, Councilman;)
Steve Teer, Councilman;)
Jacob Schumpert, Councilman; and)
James Frank Daniel, Sr., Councilman,)
)
Petitioners.)

Lower Court Case No. 2008-CP-41-0004
Appellate Case No. 2012-212790

The Appellate Court is requested to tax the following costs against the Respondent,

Dennis N. Lambries:

COSTS TAXABLE UNDER RULE 222, SCACR	NO. OF PAGES	RATE	REQUESTED	ALLOWED (For Court Use Only)
Cost of Printing or Copying Final Brief	12 pages (incl'g cover, tables); 14 copies		\$ 53.24	
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			\$ 1,000.00	
Other (specify and explain):				
COSTS TAXABLE UNDER RULE 242(j), SCACR				
Cost of Printing or Copying Brief	20 pages (incl'g cover, tables); 17 copies		\$ 78.29	
Cost of Printing or Copying Reply Brief	11 pages (incl'g cover, tables), 17 copies		\$ 43.04	
Cost of Printing or Copying Appendix	105 pages (incl'g cover, index); 18 copies		\$ 184.22	
Filing fee paid under Rule 242(c), SCACR			\$ 100.00	
Attorney's fee provided by Rule 242(j)(2), SCACR			\$ 1,000.00	
Other (specify and explain):				
		TOTAL	\$ 2,458.79	

I, Katherine Carruth Goode, 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.

Kathleen
Attorney for Petitioners

Subscribed and sworn to before me this 14 th day of August, 2014.

Bernice A. McCants
Notary Public for South Carolina

(Seal)

My Commission Expires: 11/17/2014

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Petitioners.

PROOF OF SERVICE

I certify that I have served the Motion for Costs and Itemized Statement of Costs, upon respondent, by mail to his attorney of record, Richard R. Gleissner, Gleissner Law Firm, LLC, 1237 Gadsden Street, Suite 200A, Columbia, South Carolina 29204, on August 15, 2014.

Respectfully submitted,

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