

THE STATE OF SOUTH CAROLINA
In The SUPREME COURT

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AUG 25 2014

APPEAL FROM SALUDA COUNTY
Court of Common Pleas

William Paul Keesley, Circuit Court Judge

S.C. Supreme Court

Case No: 2008-CP-41-0004
Appellate Case Number: 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

OBJECTION TO MOTION FOR COST

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Dennis N. Lambries (“Lambries”) brought this action seeking preliminary and permanent injunction to prevent what he believed and what the South Carolina Court of Appeals found are violations of the Freedom of Information Act by Saluda County Council (the “Council”), T. Hardee Horne, William “Billie” Pugh, Steve Teer, Jacob Schumpert, and James Frank Daniel, Sr. (the “Councilmen”)(the Council and the Councilmen will hereinafter be referred to as “Saluda”). He did not bring this matter for personal gain. He did not bring this action seeking any compensation for himself. He did this as a citizen of South Carolina seeking to prevent what he believed and what the South Carolina Court of Appeals believed to be a violation of the Freedom of Information Act. In his initial complaint, he captioned his role as Dennis N. Lambries personally and on behalf of the Citizens of Saluda County.

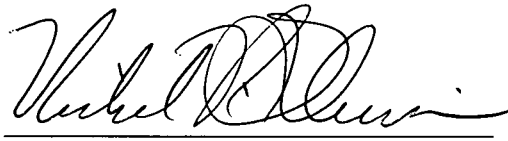
Thus, this matter is not an ordinary appeal. This matter involves a citizen seeking to assert his rights under the Freedom of Information Act. As suggested by this Court’s granting of certiorari, this matter was an important issue to South Carolina. As suggested by the South Carolina Court of Appeals, this matter was a close call. Two of the five justices of this Supreme Court wanted this matter reheard.

To require a citizen to reimburse Saluda for the costs of the appeal would be a punishment for providing a service to the State. It would discourage other citizens from bringing such actions where clearly the issue needed to be determined. Lambries should not be so punished and the citizens of South Carolina should not be so discouraged.

Rule 242(j) of the South Carolina Appellate Court Rules gives this Court discretion in awarding costs. This rule specifically states “[u]nless otherwise ordered by the Supreme Court”.

Lambries would request that the court use this discretion in no awarding the costs requested by Saluda.

Therefore, Lambries respectfully requests that the Court deny Saluda's Motion for Cost in this matter and provide him such other and further relief as the Court deems just and proper.

By: 
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Columbia, South Carolina
August 25, 2014

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S.C. Supreme Court

APPEAL FROM SALUDA COUNTY
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S.C. Ct. App. Opinion No. 3989, Filed June 13, 2012
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

PROOF OF SERVICE

I certify that I have served Respondent's Objection to Petitioners' Motion for Costs by depositing a copy of it in the United States Mail, postage prepaid, on August 25, addressed to its attorney of record as follows:

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August 25, 2014