

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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

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

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S.C. 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.

REPLY TO OBJECTION TO
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 file this reply to the objection filed by respondent, Dennis N. Lambries, to their motion for costs.

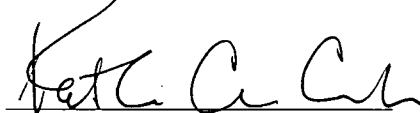
Mr. Lambries asks this court to deny the motion for costs because of his motives in bringing this action. He asserts that an award of costs would be a punishment to him for his bringing the appeal and a discouragement to other citizens to bring similar actions.

The motion for costs was not filed for the purpose of seeking punishment and is not personal in nature. Rule 242 of the South Carolina Appellate Court Rules, which governs awards of costs, does not provide for consideration of the parties' motives or the future consequences of an award of costs.

The motion for costs was made because the taxpayers of Saluda County have been required to expend significant sums for costs and attorney's fees in defending the lawsuit and appeal brought by Mr. Lambries. The full extent of those costs and fees will not be recovered even if the motion for costs is granted, because Rule 242 limits the costs and fees that may be awarded. The petitioners' purpose in seeking an award of costs is to protect the citizens of Saluda County whom they represent and, to the extent allowed by Rule 242, recover a portion of the taxpayer funds that necessarily were expended in this appeal.

Wherefore, petitioners respectfully ask the Court to award the costs allowed by Rule 242, in the amount of \$2,458.79, as set forth in the itemized statement of costs previously filed.

Respectfully submitted,



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
Post Office Box 1175
Winnsboro, South Carolina 29180
Telephone: (803) 799-4440
South Carolina Bar number 8951

Attorneys for Petitioners

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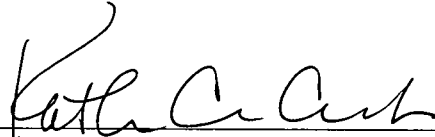
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William "Billie" Pugh, Councilman;
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Petitioners.

PROOF OF SERVICE

I certify that I have served the Reply to Objection to Motion for 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 29, 2014.

Respectfully submitted,



Katherine Carruth Goode
229 South Congress Street
Post Office Box 1175
Winnsboro, South Carolina 29180
Telephone: (803) 799-4440
South Carolina Bar number 8951