

THE STATE OF SOUTH CAROLINA
In the South Carolina Court of Appeals

APPEAL FROM OCONEE COUNTY
Court of Common Pleas

R. Lawton McIntosh, Circuit Court Judge

Case No. 2012-CP-37-300
Appellant Case No. 2014-000247

Sandra Gillett

Appellant.

v.

John P. Chandler

Respondent,

RESPONDENT'S REPLY TO APPELLANT'S RETURN TO RESPONDENT'S MOTION
FOR COSTS AND ATTORNEY'S FEES

The Respondent, replying to the Appellant's return to Respondent's Motion for Costs and Attorney's Fees would argue the following:

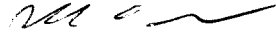
1. Respondent has now forwarded signed copies of an affidavit which would include an itemization of attorney's fees, the appropriate invoices, and corresponding checks. It should also be noted that the actual attorney's fees amounted to \$770.00 and the attorney's fees requested are only \$714.00. That is because anything that may have remotely been unrelated to the Appeal was removed.

Furthermore, the costs and attorney's fees, being requested, would not have been incurred but for the fact that this matter was appealed and then dismissed. Counsel for Respondent is of the opinion that the Appeal was dismissed due to the fact that the transcript did not contain that "offensive language" which brought about the Appeal. Just as important, it was explained, by opposing counsel, and the Court, prior to the Appeal, that such offensive language would not appear in such transcript.

Last, it is important to note that Counsel for Appellant filed for costs, which were paid, at the end of the trial of this case.

In the end, these costs were incurred, when they should not have. As such, the undersigned would ask that the Court award them in full.¹

I SO MOVE.



Marcus K. McGarr, Esq.
MARCUS K. MCGARR, P.A.
S.C. Bar No.: 011885
108 Whitsett Street
Greenville, S.C. 29601
Telephone: (864) 298-0089
Facsimile: (864) 235-0503
Counsel for Respondent

September 23, 2014

¹Please note that the Court did not feel that the affidavit was insufficient as no letter of insufficiency was returned when the requests for costs were filed.

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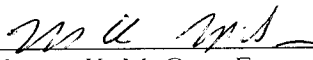
Sandra Gillett,)
)
Appellant,)
)
vs.)
)
)
John P. Chandler,)
)
Respondent.)

The Appellate Court is requested to tax the following costs against

Sandra Gillett, Appellant.


COSTS TAXABLE UNDER RULE 222, SCACR	NO. OF PAGES	RATE	REQUESTED	ALLOWED (For Court Use Only)
Cost of Printing or Copying Final Reply Brief				
Cost of Court Reporter's Transcript	253	\$0.75/page	\$ 195.35	
Attorney's Fees provided by Rule 222(b), SCACR			\$ 714.00	
		TOTAL	\$ 909.35	

I, Marcus K. McGarr, 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 and served upon opposing counsel.



 Marcus K. McGarr, Esq.
 Attorney for John P. Chandler, Respondent.

Subscribed and sworn effective this 8th day of September, 2014.



 Notary Public for South Carolina
 My Commission Expires: 9/29/21

STATE OF SOUTH CAROLINA

In The Court Of Appeals

Appellate Case No.: 2014-000247

Sandra Gillett,)
)
Appellant,)
)
vs.)
)
)
John P. Chandler,)
)
Respondent.)

ITEMIZED ATTORNEY FEES

Sandra Gillett, Appellant.

DATE	ACTIVITY	HOURS	TOTAL
02/28/2014	Review letter from Court	0.1	0.1
06/05/2014	Review transcript for accuracy and to make certain that the alleged language complained of, and creating the Appeal, is not in the transcript	2.1	2.1
08/01/2014	Review letters dismissing Appeal	0.1;	
	Prepare Motion for Costs	0.3;	
	Prepare Proof of Service	0.1;	
	Letter to the Clerk	0.1;	
	Letter to Scott Bradley, Esq.	0.1;	
	Prepare Satisfaction of Judgement	0.1;	
	Letter to Scott Bradley, Esq.	0.1;	
	Letter to Rob Colon, re: Appeal	0.1;	
	Attorney Note	0.1.	1.1
08/06/2014	Review Order	0.1;	
	Letter to Rob Colon, re: status of Appeal	0.1.	0.2
08/13/2014	Satisfaction of Judgement	0.1;	
	Letter to the Clerk	0.1;	
	TC to Elizabeth Carter, re: status of dismissal and remittitur	0.3.	0.5
08/18/2014	Review email from Alex Timmons, re: Appellant Status	0.1;	
	TC to Mr. Timmons, re: he had no copies of any of the post trial documents	0.2;	

	Letter to Alex Timmons, re: Appellant correspondence and pleadings	0.1	0.1;
	Letter to Mr. Chandler and Mr. Colon, re: the case is soon to be dismissed	0.1;	
	Attorney Note	0.1.	0.6
09/02/2014	Research status of remittitur	0.2;	
	TC to Court of Appeals, re: remittitur	0.3.	0.5
09/08/2014	Review remittitur	0.1;	
	Finalize Motion for costs	0.1;	
	Letter to Mr. Colon, re: costs	0.1;	
	Attorney Note	0.1.	0.4
	TOTAL HOURS		5.5
	TOTAL ATTY FEES AT \$140/HR.		\$770.00

I, Marcus K. McGarr, do swear or affirm that the foregoing itemization is true and correct. A copy of this statement was mailed to and served upon opposing counsel.

M. K. McGarr

 Marcus K. McGarr, Esq.
 Attorney for John P. Chandler, Respondent.

Subscribed and sworn to before me this 23rd day of September, 2014.

[Signature]

 Notary Public for South Carolina
 My Commission Expires: 9/29/21

Robin Sue Hild, FCRR, RPR
10th Circuit Court Reporter
Post Office Box 9
Walhalla, SC 29691

June 4, 2014

Marcus K. McGarr, Esq.
108 Whitsett Street
Greenville, SC 29601
864.298.0089

INVOICE:

Re: Sandra Gillett v. John Chandler
C.A. 2012-CP-37-00300
Trial in Oconee County Common Pleas
June 12 and June 13, 2013
Copy of Transcript ordered June 2, 2014

253 pages @ \$.75/page	\$189.75
Priority Mail postage	5.60
Total Due	\$195.35

--- Payment Due Upon Receipt of Transcript ---

--- Thank You ---

RECEIVED

SEP 12 2014

SC Court of Appeals

MARCUS K. MCGARR P. A.
ATTORNEY AT LAW
108 WHITSETT STREET
GREENVILLE, SC 29601

6-6-2014
Date

9615
67-76/532 9415
2000008572606

Pay to the Order of Rob's Sue Hild \$ 195.35

ONE Hundred Ninety Five and 35/100 Dollars



WELLS FARGO
Wells Fargo Bank, N.A.
South Carolina
wellsfargo.com

For Sue v Casselle

Marcus K. McGarr

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the South Carolina Court of Appeals

APPEAL FROM OCONEE COUNTY
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R. Lawton McIntosh, Circuit Court Judge

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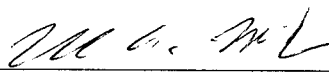
John P. Chandler

Respondent,

PROOF OF SERVICE

I certify that I served the Respondent's Reply to Appellant's Return to Respondent's Motion for Costs; and, a corresponding Proof of Service on Sandra Gillett by depositing a copy of the same in the United States Mail, first class postage prepaid, addressed to her attorney of record, Scott J. Bradley, Esq., Joel Bieber Firm, 201 E. North Street, Greenville, SC 29601 on September 23, 2014.

September 23, 2014



Marcus K. McGarr, Esq.
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Attorney for Respondent

MARCUS K. MCGARR, P.A.

Attorney at Law
A Professional Association
108 Whitsett Street
Greenville, South Carolina 29601

Marcus K. McGarr, Attorney
Amanda Garland, Paralegal
Megan Goudy, Legal Assistant

Bar No.: 011885
Telephone: (864) 298 - 0089
Facsimile: (864) 235 - 0503

September 23, 2014

The Honorable Jenny Abbott Kitchings
Clerk for the South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

RE: Case Name: Sandra Gillett v. John P. Chandler
Appellate Case No.: 2014-000247
Claim No.: 40-8091-935
MKM File No.: 200.945

Dear Ms. Kitchings:

Please find enclosed an original and seven copies of Respondent's Reply to Appellant's Return to Respondent's Motion for Costs and Attorney's fees and a corresponding certificate of service.

I would appreciate you filing the original of these documents, and forwarding the copies. However, I would also ask that you clock the remaining copy, and return the same to me in the enclosed, self-addressed, stamped envelope provided for your convenience.

Furthermore, please note, by copy of this letter, that I am placing Counsel for Appellant on notice that the originals of these documents have been filed with the Court.

As always, I thank you and your staff for all the help and assistance you repeatedly provide with regard to these matters.

Sincerely,



Marcus K. McGarr, Esq.
MARCUS K. MCGARR, P.A.
SC Bar No.: 011885
108 Whitsett St.
Greenville, SC 29601
Telephone (864) 298-0089
Facsimile (864) 235-0503
Counsel for Appellant

MKM/meg
Enclosures

cc: Scott J. Bradley, Esq.
John P. Chandler
Rob Colon

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SEP 25 2014

SC Court of Appeals



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2921

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MARCUS K. McGARR, P.A.
ATTORNEY AT LAW
108 WHITSETT STREET
GREENVILLE, SOUTH CAROLINA 29601

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SEP 25 2014

SC Court of Appeals

The Honorable Jenny Abbott Kitson
Clerk for the South Carolina Court of Appeals
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Columbia, SC 29211

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