

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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OCT 06 2014

**SC Court of Appeals**

APPEAL FROM LEXINGTON COUNTY  
COURT OF COMMON PLEAS

Honorable Thomas A. Russo

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Case No. 2013-002491

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Alexander Guice, .....Appellant,

v.

US Food Service, Inc. and  
ACE American Insurance Company  
c/o Gallagher Bassett Services, Inc., ..... Respondents.

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**RESPONDENTS' RETURN  
IN OPPOSITION TO  
APPELLANT'S MOTION FOR COSTS**

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Pursuant to Rules 222 and 240, SCACR, Respondents US Food Service, Inc. and ACE American Insurance Company c/o Gallagher Bassett Services, Inc. hereby oppose Appellant Alexander Guice's Motion for Costs ("Motion") in the above-referenced appeal. Appellant is not entitled to costs in this appeal.

Rule 222 provides that, unless otherwise agreed or ordered, costs "shall be taxed **against the appellant** when the appeal is dismissed ..." Rule 222(a), SCACR (emphasis added). In this matter, there has been no agreement between the parties regarding costs. In addition, this Court dismissed Appellant's appeal on April 24, 2014 on the basis that

the order appealed from was not final for purposes of appellate review. Although Appellant moved to reinstate his appeal, this Court denied that motion in an Order dated June 5, 2014, and remitted the matter to the circuit court on September 8, 2014. Regardless of what the circuit court may or may not have done on remand, Appellant was not the prevailing, or even substantially prevailing party on appeal. Instead, his appeal was dismissed and he is not entitled to an award of any costs under Rule 222(a), SCACR.

Second, even if he were entitled to appeal costs, which Respondents deny, Appellant seeks costs for items that are not authorized by Rule 222(b), such as the cost of printing his motions and responses, postage, and interest. Such costs are not called for in Rule 222(b), which lists, among other things, the filing fee, the cost of the court reporter's transcript, the cost of printing the Record on Appeal, final briefs, and attorney's fees. "The allowance of additional costs will generally not be allowed except in the most extraordinary of circumstances." Rule 222(b), SCACR. Appellant has not and cannot present any extraordinary circumstances that would entitle him to the cost of filing lengthy motions, postage and/or interest.

**CONCLUSION**

For all the reasons stated herein, this Court should deny Appellant's Motion for Costs.

Respectfully submitted,



Erin L. Hantske  
S.C. Bar No.: 76313  
McANGUS GOUDELOCK & COURIE, LLC  
Post Office Box 650007  
735 Johnnie Dodds Blvd, Suite 200

Mt. Pleasant, South Carolina 29465  
(843) 576-2900  
*Attorney for Respondents*

October 2, 2014

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM LEXINGTON COUNTY  
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Honorable Thomas A. Russo

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Case No. 2013-002491

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Alexander Guice, .....Appellant,

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**PROOF OF SERVICE**

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I certify that I have served the **Respondents' Return in Opposition Appellant's Motion for Costs** on Alexander Guice, pro se, by depositing a copy of it in the United States Mail, postage prepaid, on October 2, 2014, addressed as follows:

Alexander Guice  
P.O. Box 13281  
Tampa, Florida 33681

  
\_\_\_\_\_  
Jami Richards  
Legal Assistant to Erin L. Hantske  
McANGUS GOUDELCK & COURIE LLC  
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(843) 576-2900

*Attorneys for Respondents*

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**SC Court of Appeals**



**Reply To**

ERIN L. HANTSKE  
Direct Dial: (843) 576-2946  
erin.hantske@mgclaw.com

October 2, 2014

**Via U.S. Mail**

The Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, South Carolina 29211

RE: Alexander Guice v. U.S. Food Service, Inc. and ACE American Insurance  
Company c/o Gallagher Bassett Services, Inc.  
Date of Accident: May 5, 2005  
WCC File No.: 0506205  
Our File No.: 2098.12550  
Claim No.: 004063-032175-wc-01  
Appellate Tracking No.: 2013-002491

Dear Ms. Kitchings:

Enclosed please find the original and seven (7) copies of Respondents' Return in Opposition to Appellant's Motion for Costs, and the original and one copy of the Proof of Service in the above-referenced matter. Please file the originals and return the clocked-in copies in the self-addressed, stamped envelope

If you have any questions, please do not hesitate to contact me.

Very truly yours,

  
Erin L. Hantske

Enclosures

cc: Alexander Guice, pro se

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**SC Court of Appeals**

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**2098.12550/HFH/jlr** **SC Court of Appeals**  
The Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, South Carolina 29211

