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S.C. Supreme Court

THE STATE OF SOUTH CAROLINA
In The Supreme Court
Case Tracking No. 2012-213231

APPEAL FROM KERSHAW COUNTY
Civil Action No. 2011-CP-28-1170
Alison Renee Lee, Circuit Court Judge

Patricia Brouwer.....Appellant

vs.

Sisters of Charity Providence Hospitals d/b/a Providence Hospital and Providence Hospital Northeast; South Carolina ENT, Allergy and Sleep Medicine, P.A.; Robert Puchalski, M.D.; Francine K. Moring, M.D.; Jane Does (1-5); and John Does (1-5) Defendants

Of Whom Defendants South Carolina ENT, Allergy and Sleep Medicine, P.A.; Robert Puchalski, M.D.; and Francine K. Moring, M.D. are.....Respondents

MOTION FOR COSTS ON APPEAL

Daryl G. Hawkins
LAW OFFICE OF DARYL G. HAWKINS, LLC
Post Office Box 11906
Columbia, SC 29211-1906
803.733.3531 – Tel
803.744.1949 – Fax

Attorney for Appellant

NOW COMES THE APPELLANT/PLAINTIFF (hereinafter "Plaintiff"), who, gives notice of her intent to move and does so move the Court for an Order granting her Motion for Costs pursuant to Rule 222, SCACR.

The Plaintiff filed the Notice of Appeal on October 12, 2012 with the South Carolina Court of Appeals, and later filed a Motion to transfer this case to the Supreme Court on September 23, 2013. Plaintiff's Motion was granted by an Order of the Supreme Court on November 6, 2013.

Oral arguments were held before the Supreme Court on March 5, 2014. The Supreme Court reversed and remanded the Circuit Court's decision on August 6, 2014, and subsequently remitted the case to the lower court or tribunal on October 3, 2014 after denying Respondents' Petition for Rehearing.

The Plaintiff is entitled to recover the costs of the appeal in this case pursuant to Rule 222(a), SCACR, which states "when a judgment is reversed, costs shall be taxed against the respondent unless the court orders otherwise." In the instant case, the Court did not include any language in its Order that would prohibit Plaintiff from recovering the costs associated with pursuing this appeal against Respondents.

Rule 222(b), SCACR is explicit in delineating the costs that are recoverable in the instant case, and states the following:

"The party entitled to recover costs under this rule may, to the extent the party actually incurred these costs, recover the following: (1) the filing fee paid under Rule 203(d); (2) the cost of the court reporter's transcript; (3) premiums paid for costs of supersedeas bonds or other bonds obtained to preserve rights pending appeal; (4) the cost of printing the Record on Appeal under Rule 209; and (5) the cost of printing the party's final brief(s) under Rule 210. In addition, the party shall be entitled to recover an

attorney's fee in an amount which shall be set by order of the Supreme Court." Rule 222(b), SCACR.

In pursuing this appeal, Plaintiff is entitled to the costs/fees attached to this Motion in the form of a sworn, Itemized Statement of Costs. As prescribed by Rule 222(d), SCACR, this Motion is "accompanied by a sworn, itemized statement of costs incurred." **(See Attached)**.

WHEREFORE, pursuant to Rule 222, SCACR, Plaintiff requests that this Court order Respondents to pay Plaintiff for "(1) the filing fee paid under Rule 203(d); (2) the cost of the court reporter's transcript ... (4) the cost of printing the Record on Appeal under Rule 209; and (5) the cost of printing the party's final brief(s) under Rule 210, and an attorney's fee in an amount which shall be set by order of the Supreme Court," or in the alternative, make such an Order as the Court deems just. Rule 222(b), SCARC.

This Motion is based on the foregoing and such oral argument as the Court may allow, and such other and further documents and memoranda as may properly be provided to the Court.

LAW OFFICE OF DARYL G. HAWKINS, LLC

By: 

Daryl G. Hawkins

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October 9, 2014

Attorney for Appellant

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Of Whom Defendants South Carolina ENT, Allergy and Sleep Medicine, P.A.; Robert Puchalski, M.D.; and Francine K. Moring, M.D. are..... Respondents

The Supreme Court is requested to tax the following costs against


 South Carolina ENT, Allergy and Sleep Medicine, P.A.; Robert Puchalski, M.D.;
 and Francine K. Moring, M.D

Costs Taxable Under Rule 222, SCACR	NO. OF PAGES	RATE	REQUESTED	ALLOWED (For Court Use Only)
Cost of Printing or Copying Brief	306	47.60 bind 15.25 copies	62.85	
Cost of Printing or Copying Final Reply Brief	187	47.60 bind 9.35 copies	56.95	
Cost of Printing or Copying	2000	44.80 bind 100.00 copies	144.80	

Costs Taxable Under Rule 222, SCACR	NO. OF PAGES	RATE	REQUESTED	ALLOWED (For Court Use Only)
Record on Appeal				
Filing fee paid under Rule 203(d), SCACR	N/A	N/A	100.00	
Cost of Court Reporter's Transcript	30	2.90	86.75	
Attorneys' Fee Provided By Rule 222(b), SCACR			1,000.00	

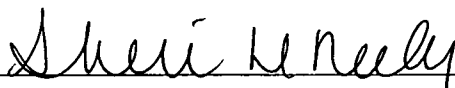
TOTAL: \$1,451.35

I, Daryl G. Hawkins, 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/served upon) opposing counsel



 Daryl G. Hawkins
 Attorney for the Appellant

Subscribed and sworn to before me this 9 day of October, 2014



 Notary Public for South Carolina
 My Commission Expires: 12/11/2018

THE STATE OF SOUTH CAROLINA
In the Supreme Court
Case Tracking No. 2013-001992

Court of Appeals
Case Tracking No. 2012-213231

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Alison Renee Lee, Circuit Court Judge

Patricia Brouwer.....Appellant

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PROOF OF SERVICE

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Attorneys for Appellant

I certify that I served Appellant's Motion for Costs First Class U.S. Mail upon:

South Carolina ENT, Allergy and Sleep Medicine, P.A. and Robert Puchalski, M.D., by depositing a copy of it in the United States Mail, postage prepaid, addressed to their attorney of record, William H. Davidson II, Esquire and Andrew F. Lindemann, Esquire, Davidson & Lindemann, PA , PO Box 8568, Columbia, SC 29202.

Francine K. Moring, M.D. by depositing a copy of it in the United States Mail, postage prepaid, addressed to her attorney of record, Benson H. Driggers, Esquire, Sweeny Wingate & Barrow, PA, PO Box 12129, Columbia, SC 29211.

Sisters of Charity Providence Hospitals d/b/a Providence Hospital and Providence Hospital Northeast who is not a Respondent in the appeal by depositing a copy of it in the United States Mail, postage prepaid, addressed to its attorney of record, Weldon R. Johnson, Esquire, Barnes, Alford, Stork & Johnson, LLP, PO Box 8448, Columbia, SC 29202-8448.

LAW OFFICE OF DARYL G. HAWKINS, LLC



Sheri H. Neely, Legal Assistant

October 9, 2014