

THE STATE OF SOUTH CAROLINA
In The Supreme Court
Case Tracking No. 2012-211188

APPEAL FROM YORK COUNTY
Civil Action No. 2009-CP-46-02484
Court of Common Pleas
S. Jackson Kimball, Special Circuit Court Judge

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OCT 10 2014

S.C. Supreme Court

Opinion No. 4935 (S.C. Ct. App. filed Jan. 25, 2012)

Shannon Ranucci,.....Petitioner

vs.

Corey K. Crain, M.D.,.....Respondent

MOTION FOR COSTS ON APPEAL

Eric C. Davis
ERIC C. DAVIS, P.A.
528 12th Street
W. Columbia, SC 29169
803-939-1340

Daryl G. Hawkins
LAW OFFICE OF DARYL G.
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803-779-7599

Attorneys for Petitioner

NOW COMES THE PETITIONER/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 242, SCACR.

The Plaintiff filed the Notice of Appeal on November 19, 2009 with the South Carolina Court of Appeals, and later filed a Petition for a Writ of Certiorari on May 16, 2012, which was granted on September 6, 2013.

Oral arguments were held before the Supreme Court on March 20, 2014. The Supreme Court reversed and remanded the Circuit Court's decision on July 23, 2014, and subsequently remitted the case to the lower court or tribunal on October 3, 2014 after denying Respondent's Petition for Rehearing.

The Plaintiff is entitled to recover the costs of the appeal in this case pursuant to Rule 242(j)(1), SCACR, which states "when the decision of the Supreme Court has the effect of reversing the judgment of the lower court or tribunal which was on appeal, costs shall be assessed against the respondent before the Court of Appeals." 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 Respondent.

Rule 242(j)(2), SCACR is explicit in delineating the costs that are recoverable in the instant case, and states the following:

"The party entitled to recover costs may recover all those costs specified in Rule 222(b), to include the attorney's fee provided by that rule. Additionally, the party may, to the extent the party actually incurred these costs, recover: (1) the filing fee paid under Rule 242(c); (2) the cost of printing the Appendix under Rule 242(e) and (i); and (3) the cost of printing the party's brief(s) under Rule 242(i). The party may also recover an additional attorney's fee in an

amount which shall be set by order of the Supreme Court.." Rule 242(j)(2), SCACR.

Plaintiff is entitled to the costs/fees attached to this Motion in sworn, Itemized Statement of Costs. **(See Attached)**.

WHEREFORE, pursuant to Rule 242, SCACR, Plaintiff requests that this Court order Respondent to pay Plaintiff for "all those costs specified in Rule 222(b), to include the attorneys' fee provided by that rule...(1) the filing fee paid under Rule 242(c); (2) the cost of printing the Appendix under Rule 242(e) and (i); and (3) the cost of printing the party's brief(s) under Rule 242(i), ...[and] an additional attorney's fees 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 242(j)(2), 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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Date: October 9, 2014

Attorneys for Petitioner

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The Supreme Court is requested to tax the following costs against
Corey K. Crain, M.D

Costs Taxable Under Rule 222, SCACR	NO. OF PAGES	RATE	REQUESTED	ALLOWED (For Court Use Only)
Cost of Printing or Copying Brief				
Cost of Printing or Copying Final Reply Brief				
Cost of Printing or Copying Record on Appeal				
Filing fee paid under Rule 203(d), SCACR	N/A	N/A	\$100.00	
Cost of Court Reporter's Transcript	42	\$3.48/page	\$146.25	

Costs Taxable Under Rule 222, SCACR	NO. OF PAGES	RATE	REQUESTED	ALLOWED (For Court Use Only)
Attorneys' Fee Provided By Rule 222(b), SCACR	N/A		\$1,000.00	
Other				

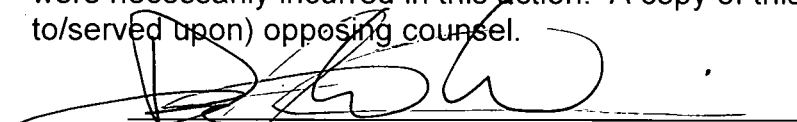
SUBTOTAL THROUGH COURT OF APPEALS: \$1,246.25

COSTS TAXABLE UNDER RULE 242(j), SCACR (To include all costs specified by those costs specified in Rule 222(b), SCACR)	NO. OF PAGES	RATE	REQUESTED	ALLOWED (For Court Use Only)
Cost of Printing or Copying Brief	323	.14/page	\$45.06 (plus tax \$3.60)	
Cost of Printing or Copying Reply Brief	204	.15/page	\$29.96 (plus tax \$2.10)	
Cost of Printing or Copying Appendix	3294	.08/page	\$259.33 (plus tax \$19.21)	
Filing fee paid under Rule 242(c), SCACR	N/A	N/A	\$25.00	
Attorneys' Fee Provided By Rule 242(j)(2), SCACR			\$1,000.00	
Other				

SUBTOTAL THROUGH OF COSTS IN SUPREME COURT: \$1,384.26

GRAND TOTAL FOR RULES 222 and 242: \$2,630.51

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 Petitioner

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

Sherril K. Neely

Notary Public

for South Carolina

My Commission Expires: 12/11/2018

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PROOF OF SERVICE

The undersigned hereby certifies that on the date indicated below the Petitioner's Motion for Costs was served to the attorneys of record below by mailing a copy of the same by United States Mail with first class postage prepaid to the following addresses, unless otherwise noted via email only:

D. Gary Lovell, Jr., Esquire
Lee Cannon Weatherly, Esquire
CARLOCK COPELAND & STAIR, LLP
40 Calhoun Street, Suite 400
Charleston, SC 29401

*Attorneys for Respondent Corey K.
Crain, M.D.*

Courtesy Copy:

Eric C. Davis, Esquire
ERIC C. DAVIS, P.A.
Email only: ecdesquire@sc.rr.com

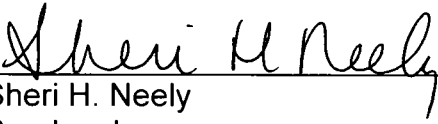
Courtesy Copy:

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Email only: bhewitt@bntdlaw.com

Attorney for Petitioner Shannon Ranucci

*Attorney for Petitioner Shannon
Ranucci*

October 9, 2014
Columbia, South Carolina



Sheri H. Neely
Paralegal
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October 9, 2014

VIA HAND DELIVERY

The Honorable Daniel E. Shearouse
Supreme Court of South Carolina
Clerk of Court
PO Box 11330
Columbia, SC 29211

RE *Shannon Ranucci v. Corey Crain*
Appellate Case No. 2012-211188

with corrected
caption

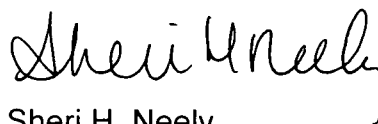
Dear Mr. Shearouse:

Enclosed for filing is the original and seven (7) copies of the Petitioner's Motion for Costs. I would appreciate your filing same and returning a clocked copy via courier.

By copy of this letter, I am herewith serving the enclosed upon counsel of record.

Thank you for your assistance with this matter.

Sincerely,



Sheri H. Neely
Paralegal

Enclosures

cc: Lee C. Weatherly, Esquire
Dennis G. Lovell, Esquire
Eric C. Davis, Esquire
John S. Nichols, Esquire
Blake A. Hewitt, Esquire

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