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DEC 31 2014

S.C. Supreme Court

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Richland County
Joseph M. Strickland, Master-In-Equity
James F. Barber Jr., Supervising Circuit Court Judge
Case No. 2009-CP-40-05911
Case No. 2010-CP-40-02889

Appellate Case No. 2014-000965

1634 Main, LP,	Appellant
Vs.	
Shirley Hammer,	Respondent
Vs.	
Howard Hammer,	Appellant
and	
Howard Hammer	Appellant
Vs.	
Shirley Hammer,	Respondent.

**MOTION FOR COSTS
PURSUANT TO RULE 222 AND 269**

Pursuant to Rule 222 and 269, SCACR, Respondent Shirley Hammer (hereafter "Shirley") moves this Honorable Court for an order of attorney fees and costs as set forth herein. In support of her motion, Shirley would show:

1. This is the third appeal filed by Howard Hammer and 1634 Main, LP (collectively and hereinafter referred to as "Howard"), from orders issued against Howard, one

denying his motion to dismiss and two awarding judgment in favor of Shirley arising out of misconduct by Howard.

2. In 2010, Howard (individually) sued Shirley in circuit court seeking to set aside their 2008 property settlement agreement and 2009 divorce, which had been granted by the family court based on settlements reached and to which Howard agreed.¹ Circuit Judge Casey Manning dismissed Howard's action for lack of jurisdiction, and Howard appealed². The Court of Appeals affirmed Judge Manning's order.

Hammer v. Hammer, 399 S.C. 100, 730 S.E.2d 874 (Ct.App. 2012).

3. In the interim, Howard had filed a second case against Shirley, this time under the guise of a claim by a limited partnership in which Howard (through a solely-owned limited liability corporation) was the sole general partner. Shirley denied the claim against her and also filed counterclaims against the limited partnership; she also added Howard as an additional defendant.
4. Shortly after the Court of Appeals issued its ruling from Judge Manning's order, this Court issued an order attempting to bring Howard's endless litigation against Shirley (and his "abuse of the judicial system") under control by assigning a single circuit court judge (Judge James Barber) and a single family court judge (Judge Dana Morris) to address all matters between the parties. Order dated September 7, 2012, attached as Exhibit A).

¹ The circuit court action followed several filings by Howard in the family court seeking the same relief, all of which had been denied. Appeals taken by Howard from those orders were unsuccessful.

² Shirley's counterclaims against Howard were not prosecuted during the appeal, although there was no order holding the proceedings in abeyance.

5. Under the tutelage of Judge Barber, the circuit court matters came for trial before Circuit Court Judge George James in October, 2012. Judge James issued numerous orders awarding judgments to Shirley against Howard (and his alter-ego 1634 Main LP). These judgments were appealed to this Court³ (this Court's September 2012 order retained jurisdiction over all future appeals), and affirmed by unpublished order No. 2014-MO-007 issued on March 19, 2014.
6. After the Richland County Sheriff was unable to locate assets upon which to execute to satisfy Shirley's judgments (efforts began during the pendency of the appeals identified in the above paragraph), Shirley filed supplemental proceedings in the circuit court in April, 2013 to try to collect the judgments. Howard filed no responsive pleadings in the action, but managed to delay the matter numerous times. The supplemental proceedings eventually resulted in an order from Master In Equity Joseph M. Strickland⁴, issued on January 21, 2014, which transferred real and personal property to Shirley with specific instructions to sell the real property, satisfy the judgments and pay costs associated with the sale of the property, and escrow the balance for further action by the circuit court⁵.
7. Howard (and his limited partnership, which now technically belonged to Shirley) appealed the order to this Court, which again expedited the appeal (Order dated August 6, 2014, attached as Exhibit C). During the appeal, Shirley entered into a

³ This Court consolidated and expedited the appeals by order dated September 18, 2013, attached as Exhibit B.

⁴ Judge Barber continued (and continues) to supervise and oversee the circuit court proceedings pursuant to this Court's order dated September 7, 2012.

⁵ Judge Strickland transferred title to the real property to Shirley for purposes of the court-ordered sale by Master's deed also dated January 21, 2014.

contract to sell the real property; the contract included a provision which tied the date of sale to this Court's anticipated ruling on the then-pending appeals by Howard.

8. During the appeal, Howard filed motions in both the circuit court and with this Court asking for a "supersedeas," although the motions were nothing more than him whining that Shirley and her counsel would not succumb to his demands to resolve the matter on his terms. The circuit court did not rule on the petition; this Court denied the petition by order dated October 24, 2014 (Exhibit D).
9. Following oral argument on November 6, 2014, this Court affirmed Judge Strickland's methodology of satisfying the unpaid judgments by transferring the property to Shirley and ordering it sold. (Opinion No. 2014-MO-045). The Court did vacate the award of sanctions and remand to the circuit court for a new hearing. Shirley has filed a motion⁶ with notice and a hearing is scheduled to be held before Judge Strickland on January 14, 2015.
10. Howard filed a Petition for Rehearing which was denied by order of this Court dated December 19, 2014.
11. The January 14, 2015 hearing was also supposed to address an accounting of the sales proceeds from the sale of the real property at 1634 Main. However, the purchaser has notified Shirley that the appeals process took too long and the purchaser will decline to close (deadline for closing is January 6, 2015). Therefore,

⁶ Shirley's motion before the circuit court, scheduled to be heard on January 14, 2015, seeks sanctions only in connection with frivolous and bad faith positions asserted by Howard and his counsel during the trial court proceedings. The fees requested here are not duplicated in Shirley's pending motion before the circuit court.

Howard's appeal (which was expedited by this Court) has cost Shirley the sale of the building. The building has been re-listed for sale.

12. On information and belief, Shirley is the prevailing party in this appeal; while this Court reversed and remanded the sanctions, the effect of the reversal and remand was to give Shirley an opportunity to request the additional fees she has incurred during the trial court proceedings. For that reason, the reversal of the sanctions will benefit Shirley and she should be considered the prevailing party on all issues.
13. The positions advanced by Howard and 1634 Main LP in this appeal had no merit. These proceedings were intended to, and did, cause delay for the purpose of prejudicing Shirley and delaying her ability to recover the funds due to her. The sale of the property which was planned to make Shirley has now been lost and the possibility of recovery by Shirley of the judgments due her is now more remote than at any time during the pendency of the appeal. Not only was Howard's appeal intended to delay and prejudice, it did both.
14. The appeals were so plainly frivolous because, among other reasons, Howard filed no responsive pleadings to the supplemental proceedings, provided no responses to the circuit court's orders and simply continued his delay tactics to force the trial court proceedings to be delayed solely to harm Shirley. As a result, none of his appellate arguments were preserved.
15. Attached hereto as Exhibit E is a redacted billing of the time Shirley's counsel spent on this appeal. The redactions are to maintain confidentiality of work product, thought processes, and communications between Shirley, her agents and her counsel.

16. In defending these appeals, Shirley incurred attorney fees in the amount of fifteen thousand ten dollars (\$19,272.50) through the date the petition for rehearing was filed. Pursuant to Rule 269, Shirley is informed and believes that she should be entitled to an additional award of attorney fees, beyond those permitted by Rule 222, as well as the costs set forth in the Bill of Costs attached hereto (\$221.44) for a total award of \$19,493.94.(Exhibit E (costs only) and Exhibit F (fees only).
17. Should this Court determine that an the actual fees incurred by Shirley is not appropriate or are insufficient to deter future frivolous filings by Howard, Shirley requests an award of fees pursuant to Rule 269, SCACR in an amount determined by this Court. Her costs remain at \$221.44.
18. Should this Court determine that Shirley is not entitled to an award of fees pursuant to Rule 269, SCACR, then in the alternative, Shirley requests an award of costs and fees pursuant to the Bill of Costs attached hereto and incorporated by reference as Exhibit F in the total amount of \$2,241.44.

Wherefore, having fully set forth the grounds for the relief requested herein, Shirley Hammer moves for an order:

- A. Pursuant to Rule 269, SCACR for an award of attorney fees against Howard Hammer in the amount of \$19,272.50 or in such amount as to be determined by this Court;
- B. In the alternative, Shirley Hammer requests an award of fees and costs pursuant to Rule 222, SCACR, in the amount of \$2,221.44; and
- C. Such other relief as the Court deems appropriate under the unusually bad faith nature of the conduct of Howard Hammer.

Desa Ballard

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ATTORNEY FOR SHIRLEY HAMMER

December 29, 2014

The Supreme Court of South Carolina

Ex Parte: Shirley Hammer, Petitioner.

In re: Shirley Hammer,

v.

Howard Hammer.

Case No. 2005-DR-40-2871

In Re: Howard Hammer,

v.

Shirley Hammer.

Case No. 2009-CP-40-05911

In re: 1634 Main LP,

v.

Shirley Hammer.

Case No. 2010-CP-40-2889

In Re: Howard Hammer,

v.

Shirley Hammer.

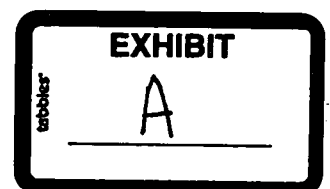
Case No. 2010-DR-40-3712

In re: Howard Hammer,

v.

Shirley Hammer and Richard Whiting.

Case No. 2011-DR-40-1094




Appellate Case No. 2012-212288

ORDER

Petitioner has filed a document with this Court entitled "Petition and Complaint for Consolidation and Assignment for Full and Final Adjudication" in which she asks this Court to consolidate the above referenced matters for adjudication, assign them to one judge for adjudication in a single proceeding, subject to the jurisdiction of this Court, for a full and final resolution of all issues. While we cannot grant the relief petitioner seeks, we can take other measures in an effort to curtail Howard Hammer's abuse of the judicial system.

First, all appeals currently pending before the Court of Appeals involving petitioner, Mr. Hammer or 1634 Main LP shall be transferred to this Court. Rule 204(b), SCACR. After the appeals are transferred to this Court and their status assessed, instructions will be given to the parties for expediting the appeals.

Second, the Honorable James R. Barber, III, and the Honorable Dana A. Morris are hereby assigned to oversee any actions involving petitioner, Mr. Hammer or 1634 Main LP currently pending in the circuit court and family court respectively, and any subsequent actions involving the parties that may be filed, and shall expedite any such actions and provide status reports to the Chief Justice every thirty days from the date of this order until all litigation between the parties has been resolved.



C.J.

FOR THE COURT

Columbia, South Carolina

September 7, 2012

cc:

Robert T. Bockman

Arthur Kerr Aiken

Desa Allen Ballard

Pope D. Johnson, III

Susan Batten Lipscomb
Timothy E. Madden
Howard Hammer, Esq
Richard Giles Whiting
The Honorable Jenny Abbott Kitchings

The Supreme Court of South Carolina

Howard Hammer, Appellant,

v.

Shirley Hammer, Respondent.

Appellate Case No. 2013-001652

1634 Main, L.P., Appellant,

v.

Shirley Hammer, a/k/a Shirley Grace Hightower,
Respondent,

v.

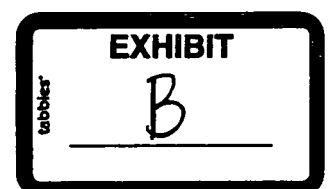
Howard Hammer, Appellant.

Appellate Case No. 2013-001638

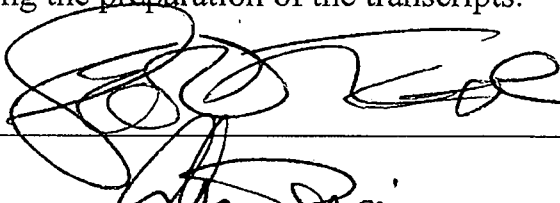
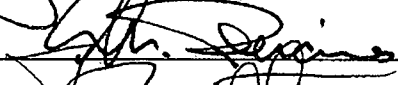

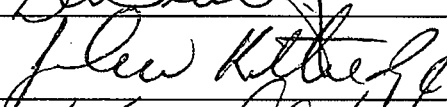

ORDER

Respondent moves for these appeals to be certified to this Court pursuant to Rule 204(b), consolidated and expedited. Appellants have not filed a return to the motion. However, appellant 1634 Main, L.P. has filed a motion to strike or dismiss the motion to certify, consolidate and expedite the appeals, or in the alternative, to file a return out of time to the motion to certify, consolidate and expedite the appeals. Respondent has filed a return in opposition to the motion to strike or dismiss.

The motion to strike or dismiss, or in the alternative, for permission to file a



belated return, is denied. We grant the motion to certify the appeals to this Court. We also grant the motions to consolidate and expedite the appeals. However, before setting an expedited briefing schedule, we find it necessary to first remand the 1634 Main matter to the circuit court, per the motion to remand pending in the Court of Appeals, for a ruling on the pending Rule 59(e), SCRCP, motion. The appeals will be held in abeyance pending a ruling by the circuit court on the Rule 59(e) motion. The circuit court shall issue a written order on the motion by 5:00 p.m. on Friday, September 20, 2013. Any notice of appeal from the circuit court's order must be served and filed by 5:00 on Monday, September 23, 2013. Thereafter, this Court will issue an order setting forth an expedited briefing schedule, and if necessary, expediting the preparation of the transcripts.

	_____	C.J.
	_____	J.
	_____	J.
	_____	J.
	_____	J.

Columbia, South Carolina

September 18, 2013

cc:

The Honorable Jenny Abbott Kitchings
Arthur Kerr Aiken
Susan Batten Lipscomb
Stephanie Nichole Weissenstein
Desa Allen Ballard

The Supreme Court of South Carolina

1634 Main, LP, Appellant,

v.

Shirley Hammer, Respondent.

v.

Howard Hammer, Appellant.

and

Howard Hammer, Appellant,

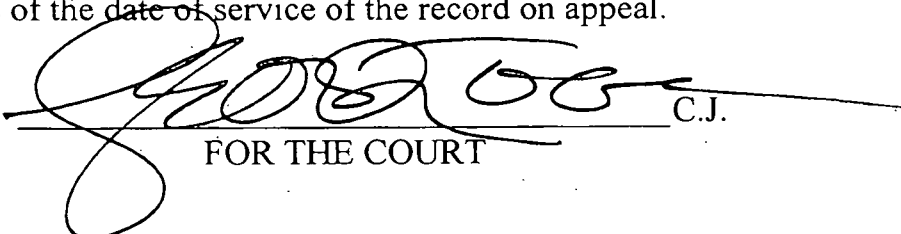
v.

Shirley Hammer, Respondent.

Appellate Case No. 2014-000965

ORDER

Respondent moves for an order expediting this appeal. Appellants do not oppose the motion. Respondent has filed her initial brief and designation of matter during the pendency of this motion. Appellants shall have five days from the date of this order to serve and file an initial reply brief. The record on appeal shall be served within ten days of the date of service of the initial reply brief. Final briefs shall be served and filed within five days of the date of service of the record on appeal.


FOR THE COURT

C.J.



Columbia, South Carolina

August 6, 2014

cc:

Howard Hammer

Arthur Kerr Aiken, Esquire

Desa Allen Ballard, Esquire

Thomas Whatley Bunch, II, Esquire

The Supreme Court of South Carolina

1634 Main, LP, Appellant,

v.

Shirley Hammer, Respondent,

v.

Howard Hammer, Appellant,

and

Howard Hammer, Appellant,

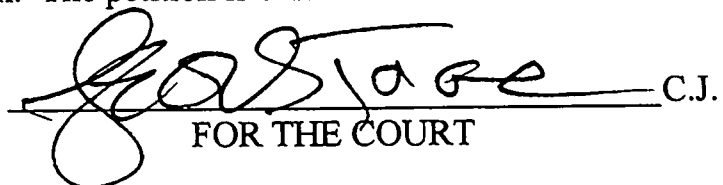
v.

Shirley Hammer, Respondent.

Appellate Case No. 2014-000965

ORDER

Appellants have filed a petition for a writ of supersedeas. Respondent has filed a return in opposition to the petition. The petition is denied.

 C.J.
FOR THE COURT

Columbia, South Carolina

October 24, 2014



cc:

Howard Hammer

Arthur Kerr Aiken, Esquire

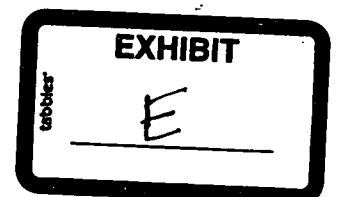
Desa Allen Ballard, Esquire

Thomas Whatley Bunch, II, Esquire

Ballard & Watson, Attorneys at Law

Time Listing Costs of Appeal re Supplemental Proceedings
Hammer v Hammer; 1634 Main LP v Hammer v Hammer

<u>Date</u>	<u>Lwyr</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>	<u>Explanation</u>
1/15/2014	BC	0.20	100.00	20.00	Telephone call from Ms. Lipscomb re: DB sign document; Confer with DB [REDACTED] on Consent Motion; scan and save to file
4/4/2014	MTB	0.20	100.00	20.00	Review order from Judge Strickland Denying motion to alter or amend; calendar date for [REDACTED]
4/24/2014	MTB	0.20	100.00	20.00	Confer with Desa about [REDACTED]
4/25/2014	BC	0.60	100.00	60.00	RR mail Aiken Ltr encl HH Notice of Appeal and 1634 Main Notice of Appeal; scan and save to file; forward to client/DB/MTB; document and file management; RR email from DB to client re: [REDACTED]
4/25/2014	DB	0.20	400.00	80.00	Reviewing notice of appeal; email to Shirley re: [REDACTED];
4/28/2014	BC	0.10	100.00	10.00	RR email from DB to MTB re: Hammer appeal
4/28/2014	MTB	0.40	100.00	40.00	Review to do in re: deadline for HH to file notice of appeal and update.; Discuss appeals from HH and 1634 with Desa. Create new files and follow up to dos in re: getting transcripts.
5/9/2014	MTB	0.30	100.00	30.00	Review information in regards to appeal, review rules in re: transcripts. Outgoing call to MIE court reporter
5/13/2014	BC	0.20	100.00	20.00	RR mail Aiken Ltr encl COS re: transcripts request; scan and save to file; forward to DB
5/14/2014	BC	0.10	100.00	10.00	RR mail Aiken Ltr to Shearouse re: transcripts; scan and save to file; forward to DB/MTB
5/15/2014	BC	0.10	100.00	10.00	RR mail Supreme Ct Ltr re: consolidate appeal; scan and save to file; forward to DB/MTB
5/15/2014	DB	0.30	400.00	120.00	RV letter from Supremes with consolidation; Conf w/ Mara re: [REDACTED]; RV infomration from Mara about [REDACTED]; request for motion to dismiss appeal;
5/15/2014	MTB	0.70	100.00	70.00	Review letter from Supreme Court and [REDACTED]. Review letter from Art Aiken to the Court yesterday. Review Rule 207, email to Desa with several attachments showing [REDACTED]. Review responsive email from Desa



Ballard & Watson, Attorneys at Law

Time Listing Costs of Appeal re Supplemental Proceedings
Hammer v Hammer; 1634 Main LP v Hammer v Hammer

<u>Date</u>	<u>Lwyr</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>	<u>Explanation</u>
5/16/2014	DB	0.10	400.00	40.00	RV combined caption created after letters from Supreme Court; email to Mara re: [REDACTED]
5/16/2014	MTB	0.40	100.00	40.00	[REDACTED] for Desa and Email to her.
5/19/2014	BC	0.10	100.00	10.00	Check to MTB re: Motion to Dismiss
5/19/2014	MTB	1.50	100.00	150.00	Email to Honorable Daniel E. Shearouse; Email to Robyn Reibald, Court Reporter, MIE in regards to transcripts referenced in letters from Art Aiken. Pull MIE Order from 1/21/14; Prepare filing for motion to dismiss
5/20/2014	MTB	0.10	100.00	10.00	Review to do in re: [REDACTED] and update notes
5/21/2014	DB	0.10	400.00	40.00	IC Robin re: transcripts and request for email of transcripts
5/22/2014	BC	0.10	100.00	10.00	RR mail Motion to Dismiss (filed); scan and save to file; forward to DB/MTB
5/30/2014	BC	0.10	100.00	10.00	RR mail Aiken Ltr encl Appellatnts' Return to Respondent's Motion to Dismiss Appeal; scan and save to file; forward to DB and client
6/4/2014	MTB	1.20	100.00	120.00	Review Arts Reply to our MTD; confer with Desa; [REDACTED]; email Desa copy of Reply. S [REDACTED]. Confer with Desa about [REDACTED], Review all emails in regards to [REDACTED]; prepare notes
6/5/2014	HW	0.10	200.00	20.00	Review of Reply to Return to Motion to Dismiss Appeal
6/5/2014	MTB	1.30	100.00	130.00	Review Return to Reply and prepare document package for filing. Prepare cover letter to Shearouse; confer with Desa. Finalize all for mailing. Email from Marion [REDACTED] create exhibit; confer with Desa;
6/6/2014	MTB	0.10	100.00	10.00	Review and update to do on [REDACTED] for Desa
6/10/2014	BC	0.10	100.00	10.00	RR mail Reply Return to Motion to Dismiss (filed); scan and save; forward to DB
6/10/2014	DB	1.10	400.00	440.00	Prepare return to amended motion for supersedeas
6/11/2014	BC	0.80	100.00	80.00	Amended Motion for Superseseas; COS and Cover letter

Ballard & Watson, Attorneys at Law

Time Listing Costs of Appeal re Supplemental Proceedings
Hammer v Hammer; 1634 Main LP v Hammer v Hammer

<u>Date</u>	<u>Lwyr</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>	<u>Explanation</u>
6/12/2014 BC		0.10	100.00	10.00	RR mail Order denying Motion to dismiss appeal (hard copy); scan and save to file; forward to DB
6/12/2014 MTB		0.50	100.00	50.00	E-mail correspondence with Hopkins, Debbie from SC Supreme Court. Process order received; email to Desa and Shirley; Further E-mail correspondence with Hopkins, Debbie about scheduling; [REDACTED]. Forward information to Desa
6/17/2014 BC		0.30	100.00	30.00	Telephone call from Mr. Bunch; transfer to DB; RR email from DB to Mr. Bunch re: 30 day extension; RR email from DB to Debbie re: consent to motion
6/17/2014 DB		0.20	400.00	80.00	Reviewing letter from Art Aiken; draft letter to respond to Art's letter
6/18/2014 BC		0.50	100.00	50.00	RR email from Mr. Aiken w attached Letter for extension; Finalize DB Ltr to Shearouse re: extension consent; RR email from Ms. Hopkins re: Letter of Consent
6/18/2014 MTB		0.10	100.00	10.00	Email to art aiken about dates in letter
6/19/2014 BC		0.10	100.00	10.00	RR mail Supreme Court Order re: extension granted for serving Initial Brief; scan and save to file; forward to DB
7/2/2014 DB		0.20	400.00	80.00	Letter to Supremes that settlement discussions ended
7/18/2014 DB		1.00	400.00	400.00	Prepare Motion to Expedite and draft cover letter to Supreme Court
7/18/2014 HW		0.10	200.00	20.00	Review of motion to expedite appeal and edit; Conference with MTB regarding finalizing
7/18/2014 MTB		0.50	100.00	50.00	Assist Desa with [REDACTED] motion. Review and enter information as requested in the Motion to Expedite appeals; complete prayer; [REDACTED]; note to Harvey. Witness documents
7/23/2014 MTB		0.40	100.00	40.00	Receive and Process Initial Brief; Email to all. Receive and Process Designations of Matter; email to all. Receive and process filed motion to expedite; calendar due dates.
7/24/2014 DB		0.50	400.00	200.00	Emails with [REDACTED]; email to [REDACTED]; send multiple documents to [REDACTED]; reviewing email from [REDACTED]; set up arrangements to talk tomorrow
7/25/2014 DB		0.30	400.00	120.00	Emails to [REDACTED]; email with [REDACTED]; conf w/ Mara re: [REDACTED];

Ballard & Watson, Attorneys at Law

Time Listing Costs of Appeal re Supplemental Proceedings
Hammer v Hammer; 1634 Main LP v Hammer v Hammer

<u>Date</u>	<u>Lwyr</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>	<u>Explanation</u>
7/28/2014 BC		0.30	100.00	30.00	RR mail Bunch Ltr re: appearing as counsel; scan and save to file; forward to client; RR mail Bunch Ltr encl Appellants' Return to Motion to Expedite Appeal; scan and save to file; forward to client
7/28/2014 MTB		1.00	100.00	100.00	Review email from [REDACTED]; begin review of Statement of the Case; email to [REDACTED]; review file for pleadings and [REDACTED]; notes to Statement of the case; email revised statement [REDACTED]
7/29/2014 BC		0.20	100.00	20.00	Review emails from [REDACTED] Telephone call from [REDACTED]; transfer to MTB; RR email from DB to Debbie Hopkins re: Oral arguments
7/29/2014 DB		0.70	400.00	280.00	Multiple emails with [REDACTED] and Mara; reviewing response to motion to expedite from Bunch and notice of appearance; reviewing email to court reporter; email with Mara re: [REDACTED]; Conf w/ Mara re: [REDACTED]; Email to Debbie re: scheduling for August and September
7/29/2014 MTB		4.00	100.00	400.00	Email from [REDACTED] respond; Phone call with [REDACTED]; provide requested materials; [REDACTED] [REDACTED]. Confer with Desa about [REDACTED] [REDACTED] Review email from Desa to Debbie at the Supreme Court; calendar follow up to get dates for Oral Arguments.; [REDACTED] [REDACTED]; email to court reporter about May 30th transcript
7/30/2014 BC		0.30	100.00	30.00	RR email from Debbie re: Oral arguments; RR email from DB to MTB re: brief input; Telephone call from [REDACTED]; forward message to MTB
7/30/2014 DB		1.50	400.00	600.00	Dicussion wth Mara re: Supreme Court calendar for August and September; Email from Debbie Hopkins of the Supreme Court re: same; First review of Initial Brief; Note to [REDACTED] Email discussion with [REDACTED] about Shirley [REDACTED]; Email from Mara with several questions re: Initial Brief; Respond; Prepare designations

Ballard & Watson, Attorneys at Law

Time Listing Costs of Appeal re Supplemental Proceedings
Hammer v Hammer; 1634 Main LP v Hammer v Hammer

<u>Date</u>	<u>Lwyr</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>	<u>Explanation</u>
7/30/2014	MTB	4.70	100.00	470.00	Work on Initial Brief with [REDACTED] Desa.; Incoming call from Debbie at the Supreme Court about hearing dates; message to Desa.
7/31/2014	BC	0.10	100.00	10.00	RR email from MTB to opposing counsel w attached Initial brief
7/31/2014	DB	0.30	400.00	120.00	Multiple emails and calls to finalize initial brief and designations;
7/31/2014	HW	0.50	200.00	100.00	Help MTB edit initial brief of respondent for filing
7/31/2014	MTB	7.50	100.00	750.00	Work on initial brief; Finalize initial brief; amend and finalize designations; Prepare cover letter to Dan Shearouse; Prepare Certificate of Service; Prepare all for mailing and emailing. Review files for filed affidavits.
8/1/2014	MTB	0.20	100.00	20.00	Review file for filed copies of affidavits of Mara Ballard and Shirley Hammer; process affidavits; note to Desa.
8/4/2014	BC	0.10	100.00	10.00	RR hand-delivery Bunch Ltr encl Appellants' Verified Petition for Writ for Supersedeas; scan and save to file; forward to DB
8/4/2014	DB	0.30	400.00	120.00	Reviewing Motion by Bunch for Supersedeas; email with [REDACTED]; email to Beth to [REDACTED];
8/4/2014	MTB	0.20	100.00	20.00	Review Writ of Supersedeas filed with Supreme Court by Bunch; forward to [REDACTED]; forward to [REDACTED]; calendar response date per DB.
8/5/2014	MTB	0.40	100.00	40.00	Outgoing call to Debbie at Supreme Court about Supersedeas.; Review emails from Mr. Bunch and Desa; forward executions against property that were requested. Email to [REDACTED] with filed copies of all pleadings and copy of letter and check. Email from Desa about clocked copy of COS from June 21, 2013; research and forward copy to Desa
8/6/2014	BC	0.10	100.00	10.00	RR email from Debbie w attached Order on Motion to Expedite; save to file
8/6/2014	DB	0.20	400.00	80.00	Email to [REDACTED] and to [REDACTED] re: expediting of appeal; Review response from both

Ballard & Watson, Attorneys at Law

Time Listing Costs of Appeal re Supplemental Proceedings
Hammer v Hammer; 1634 Main LP v Hammer v Hammer

<u>Date</u>	<u>Lwyr</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>	<u>Explanation</u>
8/6/2014	DB	2.40	400.00	960.00	Email from Debbie with order granting expedited appeal; conf w/ Mara to calculate dates; Detailed review of Bunch's petition for writ of supersedeas; begin draft; OC Mara re: [REDACTED]; [REDACTED]; continued work on draft; email to [REDACTED] with request for input; continued work [REDACTED]; [REDACTED]); Email to [REDACTED] with stream of consciencness draft
8/6/2014	MTB	2.20	100.00	220.00	Receive and review Order to Expedite Appeal; Calendar deadlines; monitor emails between Desa and Debbie about Oral Argument dates. Review all emails to / from Mr. Bunch in regards to Settlement for Desa. Create PDF exhibit. Review emails with [REDACTED]
8/7/2014	DB	0.40	400.00	160.00	Conf w/ Mara re: her work on draft response to supersedeas and [REDACTED]; [REDACTED] begin review of [REDACTED] exhibits;
8/7/2014	MTB	4.50	100.00	450.00	Research information for Response to Verified Petition for Writ of Supersedeas. Edit and prepare versions 1, 2 and 3 of response. Emails with [REDACTED] for more exhibits. Obtain exhibits for response. Email to Desa.
8/8/2014	BC	0.10	100.00	10.00	RR mail Supreme Court Order Motion to Expedite; scan and save to file; forward to DB/MTB
8/8/2014	DB	0.80	400.00	320.00	Reviewing email from [REDACTED]; [REDACTED]; Conf w/ Mara to review email exhibit and [REDACTED]; Review and finalize response to Supersedeas; email to Mara re: finalizing to submit but can't get out today;
8/8/2014	MTB	1.50	100.00	150.00	Confer with Desa about Response to Supersedeas; begin work on Exhibits; draft letter to Shearouse. Out going call to Debbie at COC; email from Debbie.
8/11/2014	DB	1.10	400.00	440.00	Finalize changes to response to supersedeas; review Bunch's initial reply brief;
8/11/2014	HW	0.20	200.00	40.00	Conference with MTB regarding response to Supersedeas; Review of and briefly edit

Ballard & Watson, Attorneys at Law

Time Listing Costs of Appeal re Supplemental Proceedings
Hammer v Hammer; 1634 Main LP v Hammer v Hammer

<u>Date</u>	<u>Lwyr</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>	<u>Explanation</u>
8/11/2014	MTB	6.60	100.00	660.00	Review email and comments on Draft Response [REDACTED]; process file; Continue work on Response and exhibits; send draft to Desa for review. Update draft response [REDACTED] Prepare Certificate of Service; prepare letter to Clerk of Court; Create exhibit packages for Supreme Court, Mr. Aiken and Mr. Bunch; create pleading packages for all; finalize all for mailing
8/12/2014	DB	0.40	400.00	160.00	Reviewing Bunch's reply brief; forward [REDACTED]
8/12/2014	MTB	0.20	100.00	20.00	Email Respondents Return to Writ of Supersedeas to opposing counsel and to Supreme Court;. Receive and process Appellants Reply to Respondents initial brief;
8/12/2014	MTB	0.10	100.00	10.00	E-mail correspondence with Desa Ballard in regards to [REDACTED]
8/21/2014	MTB	0.20	100.00	20.00	Review email and voice mail from Art Aiken's staff requesting copies of Executions against Judgments; research file and email Executions (4) to Aiken's office.
8/22/2014	DB	0.40	400.00	160.00	Email from Art with proposed ROA; download from Dropbox; email to Mara
8/25/2014	BC	0.10	100.00	10.00	RR email from DB to Mr. Aiken and Bunch re: ROA
8/25/2014	MTB	3.00	100.00	300.00	Review ROA against designations; book mark ROA while making comparisons.
8/26/2014	DB	1.30	400.00	520.00	Conf w/ Mara re: [REDACTED]; Review placement by Art of omitted material at the back of ROA; email with Art; Conf w/ Mara re: [REDACTED] due date for final briefs; Email re: oral argument date; reviewing e mail from Bunch re: oral argument date;

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Time Listing Costs of Appeal re Supplemental Proceedings
Hammer v Hammer; 1634 Main LP v Hammer v Hammer

<u>Date</u>	<u>Lwyr</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>	<u>Explanation</u>
8/26/2014	MTB	1.60	100.00	160.00	Confer with Desa about [REDACTED]; Create document packages and email them to Art for inclusion in ROA; review revised index and build final ROA from attachments. Confer with Desa.; Phone call to Supreme Court [REDACTED] [REDACTED] Phone calls with Debbie and Tommy about ROA; Phone call from Debbie about Oral Argument; calendar potential date; Email Desa's email to Art to Tommy at request of Debbie.
8/27/2014	BC	1.00	100.00	100.00	RR hand-delivery Bunch Ltr encl Final Briefs; scan and save to file; Finalize Shearouse Ltr encl Final Brief
8/27/2014	DB	2.30	400.00	920.00	IC Mara re: message from Debbie about final briefs; [REDACTED]; email with Mara and Beth to finalize and do certificate of counsel, sign brief and send to Mara and Beth; revising letter to Shearouse;
8/27/2014	HW	0.10	200.00	20.00	Help MTB with formatting brief
8/27/2014	MTB	4.50	100.00	450.00	Work on Final Brief; finalize for printing; No follow up required; to Supreme Court to file Final Briefs and return to office
8/28/2014	BC	0.10	100.00	10.00	RR mail Supreme Court Ltr re; Oral argument; scan and save to file; forward to DB
9/2/2014	BC	1.80	100.00	180.00	Scan and Save ROA; RR mail Supreme Court Calendar; scan and save to file; forward to DB; calendar Oral argument date; RR mail re: Supplement to response to Petition for Writ of Supersedeas (filed); scan and save to file; forward to DB;
9/3/2014	BC	0.20	100.00	20.00	Draft email to [REDACTED] re: oral argument
9/3/2014	DB	0.10	400.00	40.00	Appeal: reviewing notice from Supreme Court; email to [REDACTED] with date of oral argument;
9/17/2014	BC	0.10	100.00	10.00	RR mail Supreme court Ltr re : oral argument scheduled; scan and save to file; forward to client/DB
9/17/2014	MTB	0.10	100.00	10.00	Review notice of Oral Argument received; verify calendar entry.

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Time Listing Costs of Appeal re Supplemental Proceedings
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<u>Date</u>	<u>Lwyr</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>	<u>Explanation</u>
9/18/2014 BC		0.20	100.00	20.00	RR Supreme Court Ltr re: request for protection; scan and save to file; forward to DB; file and document management
10/5/2014 MTB		0.40	100.00	40.00	Prepare [REDACTED] for Desa's review to prepare for Oral Argument, [REDACTED]
10/6/2014 DB		0.10	400.00	40.00	Email with Shirley to set up Thursday
10/8/2014 BC		0.20	100.00	20.00	Telephone call from Debbie w Supreme Court re: oral argument continued; calendar amended appt; RR email from DB to client re: oral argument continued
10/8/2014 DB		0.10	400.00	40.00	Email to Shirley [REDACTED]; IC Beth re: [REDACTED]
10/15/201 BC		0.30	100.00	30.00	RR mail Supreme Court Ltr re: oral argument rescheduled; scan and save to file; forward to client/DB; RR mail Order of protection (filed); save to file; document and file management
10/15/201 DB		0.10	400.00	40.00	EMail to Shirley re: [REDACTED]
10/21/201 BC		0.30	100.00	30.00	RR email correspondence between DB and client [REDACTED] w CH re: telephone call from Debbie w Supreme Court; Telephone call to Debbie re: oral argument; Confer w DB via text re: [REDACTED]
10/21/201 DB		1.10	400.00	440.00	Prepare for oral argument;
10/22/201 DB		2.40	400.00	960.00	Prepare for and attend oral argument; Email to [REDACTED]; Telephone conference with [REDACTED]
10/22/201 MTB		0.10	100.00	10.00	Emails with [REDACTED]
10/23/201 MTB		1.30	100.00	130.00	Review video and take notes from hearing.
10/27/201 BC		0.30	100.00	30.00	RR mail Supreme Court order re: Petition denied for Writ of Supersedeas; scan and save to file; forward to DB; File and document management
10/27/201 MTB		0.10	100.00	10.00	Review Order on Writ of Supersedeas; outgoing call to Desa

Ballard & Watson, Attorneys at Law

Time Listing Costs of Appeal re Supplemental Proceedings
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<u>Date</u>	<u>Lwyr</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>	<u>Explanation</u>
10/30/201	MTB	1.00	100.00	100.00	Prepare Bill of Costs, Motion for Costs; certificate of service and letter to Shearouse in preparation for Order from Supreme Court. Research vendor invoices for costs and confer with Desa about [REDACTED]; modify bill of costs and motion for costs as requested
11/6/2014	BC	0.20	100.00	20.00	RR Supreme Court Order; save to file; RR email from Debbie Hopkins w attached Supreme Court order
11/6/2014	DB	0.40	400.00	160.00	Review opinion; reviewing email from Debbie; OC [REDACTED];
11/6/2014	MTB	0.20	100.00	20.00	Review order received and reply to Debbie at Supreme Court
11/7/2014	BC	0.10	100.00	10.00	RR mail Supreme Court Order; scan and save to file
11/7/2014	HW	0.40	200.00	80.00	Conference with DB re: [REDACTED]
11/14/201	BC	0.20	100.00	20.00	Confer w MTB re: [REDACTED]; LM for Debbie w Supreme Court re: Remittitur
11/14/201	HW	0.10	200.00	20.00	Conference with BC re: [REDACTED]
11/17/201	BC	0.40	100.00	40.00	Receive VM from Debbie at Supreme Court; Telephone call to Debbie re: remittitur; RR email from MTB to DB re: [REDACTED]; File and document management
11/17/201	MTB	0.30	100.00	30.00	Review [REDACTED]; Confer with [REDACTED] update todo for [REDACTED]; email to Desa; research for [REDACTED]
11/24/201	BC	0.30	100.00	30.00	RR Hand-delivery Bunch ltr encl Petition for Rehearing; RR hand-delivery Hammer Ltr encl financial disclosure; scan and save to file; forward to DB; RR email from Amy Westbrook w attached Bunch ltr encl Exhibit A to Petition for rehearing; save to file
11/25/201	BC	0.20	100.00	20.00	RR email from DB to Mr. Bunch re: [REDACTED]; Telephone call w DB re: [REDACTED]
11/26/201	DB	0.20	400.00	80.00	Email to Harvey and Mara re: [REDACTED]
11/26/201	MTB	0.20	100.00	20.00	Review financial disclosure and other emails
		<u>86.80</u>		<u>15,010.00</u>	Total Fees for Appeal

Contract attorney fee + 4,262.50 paid Check No. 7746
TOTAL FEES FOR APPEAL \$19,272.50
 12/19/2014 10 of 10

			Motion filing fee for Motion to Expedite	
COSTS TAXABLE UNDER RULE 242(j), SCACR				
Cost of Printing or Copying Brief				
Cost of Printing or Copying Reply Brief				
Cost of Printing or Copying Appendix				
Filing fee paid under Rule 242(c), SCACR				
Attorney's fee provided by Rule 242(j)(2), SCACR				
Other (specify and explain):				
		TOTAL	\$2,221.44	

I, Desa A. Ballard, 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.

Desa A. Ballard

(Signature)

Attorney for Respondent, Shirley Hammer

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

Mona J. Ballard

Notary Public for SC

My Commission Expires: 11.28.17

(Seal)

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Richland County
Joseph M. Strickland, Master-In-Equity
James F. Barber Jr., Supervising Circuit Court Judge
Case No. 2009-CP-40-05911
Case No. 2010-CP-40-02889

Appellate Case No. 2014-000965

1634 Main, LP, Appellant

Vs.

Shirley Hammer, Respondent

Vs.

Howard Hammer, Appellant

and

Howard Hammer Appellant

Vs.


Shirley Hammer, Respondent.

CERTIFICATE OF SERVICE

I, Beth Cogan, an employee of Ballard & Watson Attorneys at Law, do hereby certify that on December 29, 2014, I served a copy of the **Motion for Costs** in the above-captioned case on the following individuals by electronic mail and by regular United States Mail, with sufficient first class postage affixed, addressed as follows:

**Arthur K. Aiken, Esquire
Aiken & Hightower
2231 Devine Street, Suite 201
Columbia, South Carolina 29205**

**Tommy Bunch, Esquire
Robinson McFadden
Post Office Box 944
Columbia, South Carolina 29202**



Beth Cogan, Paralegal

December 29, 2014
West Columbia, South Carolina