

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

Appeal from Marion County
Court of Common Pleas

JAN 07 2015

Michael G. Nettles, Presiding Judge

S.C. SUPREME COURT

Opinion No. 5010 (S.C. Ct. App. Filed July 25, 2012)

South Carolina Department of Transportation..... Respondent

vs.

Janell P. Revels and R.J. Poston, Jr..... Landowners

and

John Doe and Mary Roe, representing all unknown persons having or
claiming to have any right, title or interest in or to, or lien on the lands
described herein, including all unknown heirs of Reamer J. Poston, Sr.
a/k/a R.J. Poston, Sr., deceased.....Unknown Claimants

Of Whom Janell P. Revels and R.J. Poston, Jr. are Petitioners

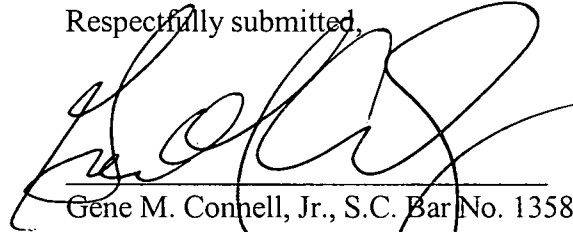
NOTICE OF MOTION AND MOTION TO TAX COSTS

YOU WILL PLEASE TAKE NOTICE that the undersigned, as attorney for the
Petitioners, moves the Court pursuant to SCAR 240 for an Order taxing costs against the
South Carolina Department of Transportation as listed in the Itemized Statement of Costs
which is attached hereto. The basis of this Motion is that the Court reversed and remanded
the issue of the amount of a reasonable attorney's fee to the circuit court. Further, pursuant
to SCAR 242(j), the Petitioners brought this action to the Court's attention on a Petition for
Writ of Certiorari after the Court of Appeals affirmed the Circuit Court. Petitioners believe

costs are warranted since this Court found that the Circuit Court and the Court of Appeals failed to conduct the appropriate statutory analysis pursuant to S.C. Code Ann. § 28-2-510.

WHEREFORE, Petitioners request the costs be taxed and for such other and further relief as the Court may deem just, necessary and proper.

Respectfully submitted,



Gene M. Connell, Jr., S.C. Bar No. 1358
KELAHER, CONNELL & CONNOR, P.C.
The Courtyard, Suite 209
1500 U. S. Highway 17 North
Post Office Drawer 14547
Surfside Beach, South Carolina 29587-4547
(843) 238-5648 (phone)
(843) 238-5050 (facsimile)
gconnell@classactlaw.net
Attorney for Petitioners

January 6, 2015
Surfside Beach, South Carolina

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ITEMIZED STATEMENT OF COSTS

The Supreme Court Clerk is requested to tax the following costs against:

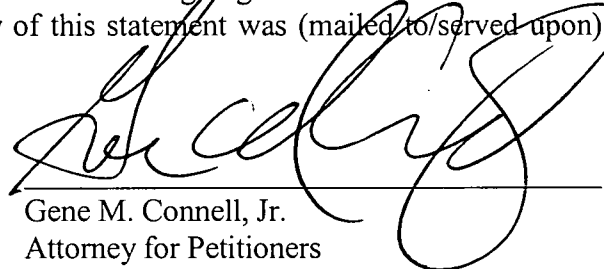
SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION, RESPONDENT
(Name of Party)

COSTS TAXABLE UNDER RULE 222, SCACR	NO. OF PAGES	RATE	REQUESTED	ALLOWED (For Court use only)
Cost of Printing or Copying Final Brief	352	.25	\$ 88.00	
Cost of Printing or Copying Final Reply Brief				
Cost of Printing or copying Record on Appeal	608	.25	\$ 152.00	

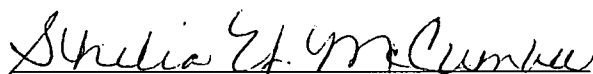
Filing Fee Paid Under Rule 203(d), SCACR			\$ 100.00	
Cost of Court Reporter's Transcript			\$ 31.25	
Attorney's Fee Provided By Rule 222(b), SCACR			\$ 1,000.00	
Other (specify and explain):				

COSTS TAXABLE UNDER RULE 242(j), SCACR				
Cost of Printing or Copying Brief	304	.25	\$ 76.00	
Cost of Printing or Copying Reply Brief	128	.25	\$ 32.00	
Cost of Printing or Copying Appendix	1,936	.25	\$ 484.00	
Filing fee paid under Rule 242(c), SCACR			\$ 100.00	
Attorney's fee provided by Rule 242(j)(2), SCACR			\$ 1,000.00	
Other (specify and explain):				
		TOTAL	\$ 3,063.25	

I, Gene M. Connell, Jr., 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.


Gene M. Connell, Jr.
Attorney for Petitioners

Subscribed and sworn to before me this 6th day of January, 2015.


Notary Public for South Carolina
My Commission Expires: 5/12/2020
(Seal)

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PROOF OF SERVICE

PERSONALLY appeared before me, Shelia Y. McCumbee, who being duly sworn, deposes
and says that she is an employee of KELAHER, CONNELL & CONNOR, P.C., Attorneys
at Law, and that she has served the **Notice of Motion and Motion to Tax Costs/Itemized
Statement of Costs** on the Respondent, through attorneys of record, by depositing a copy of
same in the United States Mail, postage prepaid, to:

Beacham O. Brooker, Jr., Esquire
South Carolina Department of Transportation
P. O. Box 191
Columbia, SC 29202-0791

DATE OF MAILING: January 10, 2015

Shelia Y. McCumbee
Shelia Y. McCumbee

SWORN AND SUBSCRIBED before me,
this 6th day of January, 2015.

Barbara L. Smith
Notary Public for South Carolina
My Commission Expires: 3/12/24

KELAHER, CONNELL & CONNOR, P.C.

ATTORNEYS AT LAW

SUITE 209

THE COURTYARD

1500 U.S. HIGHWAY 17 NORTH

P.O. DRAWER 14547

SURFSIDE BEACH, SOUTH CAROLINA 29587

EDWARD T. KELAHER*
GENE M. CONNELL, JR.
L. SIDNEY CONNOR, IV
LISA POE DAVIS

* OF COUNSEL

AREA CODE 843

238-5648

FAX: 238-5050

January 6, 2015

Daniel E. Shearouse, Clerk
South Carolina Supreme Court
P. O. Box 11330
Columbia, SC 29211

Re: *South Carolina Department of Transportation v. Janell P. Revels and R.J. Poston, Jr., et al.*; C/A No. 2007-CP-33-261
Appellate Case No. 2012-213378
Our File No. 2007-0382C

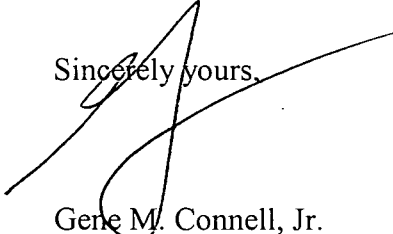
Dear Mr. Shearouse:

Enclosed please find an original and six (6) copies of Petitioners' Notice of Motion and Motion to Tax Costs, Itemized Statement of Costs and Proof of Service in the above-captioned matter. I also enclose our check for \$25.00 for your filing fee.

I am, by copy of this letter, serving the Notice of Motion and Motion to Tax Costs on Beacham O. Brooker, Jr., attorneys for Respondent.

With best regards, I am

Sincerely yours,


Gene M. Connell, Jr.

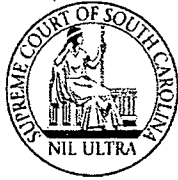
GMC,Jr.:sm
Enclosures

cc w/enc.: Beacham O. Brooker, Jr., Esquire

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JAN 07 2015

S.C. SUPREME COURT



The Supreme Court of South Carolina

Kelaher Connell Conner

01/07/2015

RECEIPT #74703

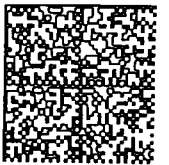
Case No: 2012-213378
Case Short Title: SCDOT v. Janell Revels
Event:
Fee Type: Motion Fee
Amount: \$25.00
Payment Type: Check
Reference No: 40441
Check/Money Order Date: 12/16/2014
Comments:

KELAHER, CONNELL & CONNOR, P.C.

ATTORNEYS AT LAW
P. O. DRAWER 14547
SURFSIDE BEACH, SOUTH CAROLINA 29587

Daniel E. Shearouse, Clerk
South Carolina Supreme Court
P. O. Box 11330
Columbia, SC 29211

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