

19

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Larry B. Hyman, Jr., Circuit Court Judge

Civil Action No: 2014-CP-26-01341

RECEIVED

JAN 09 2015

SC Court of Appeals

Carolyn Cole,

Appellant,

v.

The Town of Atlantic Beach, The Town of Atlantic Beach Municipal Election
Commission, Carolyn Gore, Lenearl Evans, Kenneth McIver, Kenneth McLaurin,
and Joe Montgomery,

Respondents.

RETURN TO MOTION TO ASSESS COSTS

Appellant, Carolyn Cole, hereby files this Return to the Motion to Assess Costs filed by the Town of Atlantic Beach Municipal Election Commission. Appellant opposes the assessment of the attorney's fee in this matter on the grounds that the fee is not substantiated by the record.

In this matter, the only documents that have been filed are Appellant's Notice of Appeal on July 21, 2014, Appellant's Motion for Extension to File Initial Brief on September 4, 2014, Appellant's second Motion for Extension to File Initial Brief on October 14, 2014, and Appellant's request to withdraw the appeal filed on November 21, 2014. None of these filings required any Return to be filed by Respondent Municipal Election Commission nor was any Return filed. Until the filing of this Motion to Assess Costs, the Respondent Municipal Election

Commission had not filed any documents with the court. Prior to today's date, Appellant's attorney has spent less than two (2) hours on this appeal and is informed and believes that Respondent's attorney would have spent less time than that. Therefore, Appellant is informed and believes that Respondent has not incurred actual attorney's fees of \$1,000 or greater in this matter and would therefore respectfully request that the court deny Respondent's request for any attorney's fees in this matter.

THOMAS & BRITTAIN, P.A.



Charles B. Jordan, Jr.

S.C. Bar #11708

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January 5, 2015

Myrtle Beach, South Carolina

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PROOF OF SERVICE

I certify that I have served a copy of the Return to Motion to Assess Costs, by depositing copies of same in the United States Mail, postage prepaid, January 5, 2015, to the following addressee(s):

Amanda A. Bailey, Esquire
McNair Law Firm, P.A.
P.O. Box 336
Myrtle Beach, SC 29577

Leah B. Moody, Esquire
Law Office of Leah B. Moody, LLC
235 E. Main Street, Suite 115
Rock Hill, SC 29730

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Lenearl Evans
607-C 31st Avenue S.
Atlantic Beach, SC 29582

Kenneth McLaurin
709 29th Avenue S.
Atlantic Beach, SC 29582

January 5, 2015

Tammy M. Morse

Tammy M. Morse
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CHARLES B. JORDAN, JR.
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January 5, 2015

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: Carolyn Cole vs. The Town of Atlantic Beach, et al.
Appellate Case No: 2014-001525

Dear Ms. Kitchings:

Please find enclosed for filing original and seven (7) copies of a Return to Motion to Assess Costs in the above-referenced matter. Please return a filed copy in the enclosed self-addressed, stamped envelope. By copy of this letter and enclosed Proof of Service, I am serving opposing counsel with the Return.

Thank you for your assistance.

Very truly yours,

THOMAS & BRITTAIN, P.A.


Charles B. Jordan, Jr.

CBJjr/tmm

Enclosures

cc: Amanda A. Bailey, Esquire
Leah B. Moody, Esquire
Lenearl Evans
Kenneth McLaurin

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