

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

FEB 27 2015

SC Court of Appeals

APPEAL FROM Horry COUNTY
Court of Common Pleas

William Jeffrey Young, Circuit Court Judge

Case No. 2010-CP-26-5964

William H. Bailey, Jr.,

Appellant,

v.

City of North Myrtle Beach,
a South Carolina Municipal
Corporation,

Respondent.

RETURN TO APPELLANT'S MOTION TO TAX COSTS

Christopher W. Johnson
Derwood L. Aydlette, III
Gignilliat, Savitz & Bettis, LLP
900 Elmwood Avenue, Suite 100
Columbia, South Carolina 29201
(803) 799-9311
Attorneys for Respondent

RETURN TO MOTION

Respondent City of North Myrtle Beach opposes Appellant's motion to tax costs on appeal against it. Appellant sought a ruling from the circuit court that he was entitled to a grievance hearing at the time he was separated from employment. The circuit court ruled against him, holding that his cause of action was moot and, in the alternative, he was not entitled to a grievance because he retired. On appeal, this Court affirmed the lower court's ruling that the case was moot and vacated the alternative ruling as unnecessary. In short, Appellant achieved no relief. Accordingly, for these reasons and for the reasons set out in the City's Motion to Tax Costs Against Appellant filed February 23, 2015, Appellant's motion should be denied.

Respectfully submitted,



Christopher W. Johnson
Derwood L. Aydlette, III
Gignilliat, Savitz & Bettis, LLP
900 Elmwood Ave., Suite 100
Columbia, S.C. 29201
Tel.: (803) 799-9311

Columbia, South Carolina

February 27, 2015

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

William Jeffrey Young, Circuit Court Judge

Case No. 2010-CP-26-5964

William H. Bailey, Jr.,

Appellant,

v.

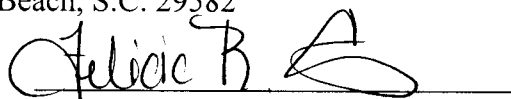
City of North Myrtle Beach,
a South Carolina Municipal
Corporation,

Respondent.

PROOF OF SERVICE

I hereby certify that I have this day caused to be served a copy of the Return to Appellant's Motion to Tax Costs on counsel of record by deposit in the United States mail, first-class postage prepaid, addressed to:

Kenneth R. Moss, Esq.
Wright, Worley, Pope, Ekster & Moss, PLLC
628A Sea Mount Highway
North Myrtle Beach, S.C. 29582



Felicia R. Evans
Legal Assistant to Christopher W. Johnson
Gignilliat, Savitz & Bettis, LLP
900 Elmwood Ave., Suite 100
Columbia, S.C. 29201
(803) 799-9311

February 27, 2015

RECEIVED
FEB 27 2015
SC Court of Appeals



GIGNILLIAT SAVITZ & BETTIS LLP

STEPHEN T. SAVITZ**
VANCE J. BETTIS *
LINDA PEARCE EDWARDS *
KATHRYN THOMAS *
DERWOOD L. AYDLETTE III**
CHRISTOPHER W. JOHNSON *
FRED A. WILLIAMS *
T. FOSTER HASELDEN
MICHAEL C. GREENE

R. HAYNE HODGES III
SPECIAL COUNSEL

JULIAN H. GIGNILLIAT
(1939-2002)

*CERTIFIED SPECIALIST
LABOR & EMPLOYMENT LAW

+CERTIFIED MEDIATOR

VIA HAND-DELIVERY

The Honorable Jenny Abbot Kitchings
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, S.C. 29211

February 27, 2015

Re: *Bailey v. City of North Myrtle Beach*
Appellate Case No. 2013-000195
C/A No. 2010-CP-26-05964

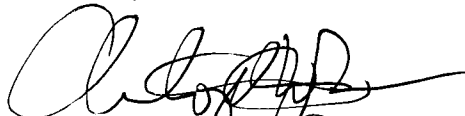
Dear Ms. Kitchings:

Enclosed for filing please find the original and one copy of the Respondent's Return to Appellant's Motion to Tax Costs and Proof of Service of the same. Please file the original and return the clocked copy to me by our courier.

Should you have any questions, please do not hesitate to contact us.

With highest regards,

Sincerely,



Christopher W. Johnson

CWJ/fre
Enclosure
Fltr COA- RetMotSuppRec.439.AJ

cc: Kenneth R. Moss, Esq., Counsel for Appellant (w/ encl.)(via U.S. Mail)

RECEIVED

FEB 27 2015

SC Court of Appeals

Sender's email address:
cjohnson@gsblaw.net