

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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MAY 13 2015

APPEAL FROM THE ADMINISTRATIVE LAW COURT **S.C. Supreme Court**
John D. McLeod, Administrative Law Judge

Case No. 09-ALC-07-0069-CC

Town of Arcadia Lakes, Robert L. Jackson, Linda Z. Jackson, Robert E. Williams, Barbara S. Williams, Elizabeth M. Walker, Louis E. Spradlin, Mary Helen Spradlin, Thomas Hutto Utsey, Tony Sinclair, Aaron Small, Bette Small, Gene F. Starr, M.D., Elaine J. Starr, Sanford T. Marcus, Ruth L. Marcus, and Steven Brown. Petitioners,

v.

South Carolina Department of Health and Environmental Control and Roper Pond, LLC Respondents.

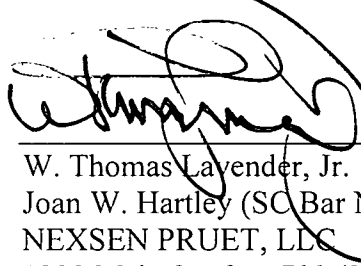
RESPONDENT ROPER POND, LLC’S MOTION FOR COSTS

This Court granted certiorari to review the Court of Appeals’ opinion, which affirmed the Administrative Law Court’s order upholding Respondent South Carolina Department of Health and Environmental Control’s authorization for coverage under the 2006 NPDES General Permit for Storm Water Discharges from Large and Small Construction Activities (“State General Permit”) for Respondent Roper Pond, LLC to conduct land-disturbing activities on 9.6 acres in Richland County. On April 9, 2015, this Court dismissed certiorari as moot, thereby having the effect of affirming the judgment of the Administrative Law Court, which was reviewed by the Court of Appeals.

Because this matter has now been remitted to the lower court, Respondent Roper Pond, LLC is entitled to costs pursuant to Rule 222 and Rule 242 of the South Carolina Appellate Court Rules in the amount of **\$2180.42**. This amount is reflected in the

attached statement of costs.

Respectfully submitted,



W. Thomas Lavender, Jr. (SC Bar No. 3143)
Joan W. Hartley (SC Bar No. 72735)
NEXSEN PRUET, LLC
1230 Main St., Ste. 700 (29201)
Post Office Drawer 2426
Columbia, South Carolina 29202
803.771.8900

Attorneys for Respondent Roper Pond, LLC

May 13, 2015

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South Carolina Department of Health and Environmental Control and Roper Pond, LLC Respondents.

ITEMIZED STATEMENT OF COSTS

The South Carolina Supreme Court is requested to tax the following costs against Petitioners/Appellants:

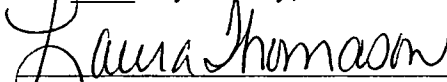
COSTS TAXABLE UNDER RULE 222, SCACR	NO. OF PAGES	RATE	REQUESTED	ALLOWED (For Court Use Only)
Cost of Printing or Copying Final Brief for the Court of Appeals	1,156	0.07	\$ 80.92 + 52.50 (binding)	
Cost of Printing or Copying Brief for the Supreme Court	470	0.10	\$ 47.00 (no binding charge)	
Attorney's Fee Provided by Rule 222(b), SCACR			\$1,000.00	
Attorney's Fee Provided by Rule 242(j), SCACR			\$1,000.00	
Total			\$2,180.42	

I, W. Thomas Lavender, 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 opposing counsel.



W. Thomas Lavender, Jr.
Attorney for Respondent

Subscribed and sworn to before me
this 13th day of May, 2015.



Notary Public for South Carolina
My Commission Expires: 3/25/23

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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APPEAL FROM THE ADMINISTRATIVE LAW COURT
John D. McLeod, Administrative Law Judge

MAY 13 2015

S.C. Supreme Court

Case No. 09-ALC-07-0069-CC

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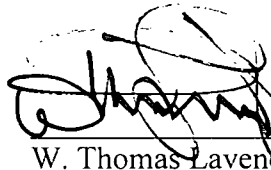
PROOF OF SERVICE

I certify that I have served the Respondent Roper Pond, LLC's Motion for Costs on counsel of record for South Carolina Department of Health and South Carolina Environmental Law by depositing a copy of it in the United States Mail, postage prepaid, on May 13, 2015, addressed to:

Stephen P. Hightower, Esquire
Office of General Counsel
South Carolina Department of Health
and Environmental Control
2600 Bull Street
Columbia, SC 29201

Amy E. Armstrong, Esquire
South Carolina Environmental Law
Post Office Box 1380
Pawleys Island, SC 29585
430 Highmarket Street
Georgetown, SC 29440

May 13, 2015



W. Thomas Lavender, Jr. (SC Bar No. 3143)
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NEXSEN|PRUET

May 13, 2015

W. Thomas Lavender, Jr.
Member
Admitted in SC

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HAND DELIVERY

The Honorable Daniel E. Shearhouse
Clerk of Court
Supreme Court of South Carolina
P.O. Box 11330
Columbia, South Carolina 29211

S.C. Supreme Court

Re: *Town of Arcadia Lakes, et al v. South Carolina Department of Health
and Environmental Control and Roper Pond, LLC*
Appellate Case No. 2013-001521
Case No. 09-ALC-07-0069-CC

Dear Mr. Shearhouse:

Enclosed for filing please find the original and six (6) copies of the Respondent Roper Pond, LLC's Motion for Costs in the above-referenced matter. Also enclosed for filing please find the original and one copy of Proof of Service and our firm's check for \$25 for the filing fee. Please return a file-stamped copy of each via our courier.

Thank you for your assistance in this matter.

Best regards,

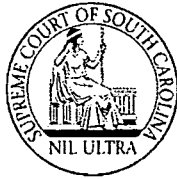
W. Thomas Lavender, Jr.

Enclosures

cc: Amy E. Armstrong, Esquire
Stephen Hightower, Esquire

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Nexsen Pruet, LLC
Attorneys and Counselors at Law



The Supreme Court of South Carolina

Nexsen Pruett

05/14/2015

RECEIPT #75973

Case No: 2013-001521
Case Short Title: Town of Arcadia Lakes v. SCDHEC
Event:
Fee Type: Motion Fee
Amount: \$25.00
Payment Type: Check
Reference No: 448367
Check/Money Order Date: 05/13/2015
Comments: