

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

James C. Williams, Jr., Special Referee

Case No. 2010-CP-40-8621

RECEIVED

JUL 13 2015

SC Court of Appeals

C.R. Meyer and Sons Company, Plaintiff,

v.

Custom Mechanical CSRA, LLC Defendant.

And

Custom Mechanical CSRA, LLC is Respondent,

v.

Plumbers & Steam Fitters Local #150 Health and Welfare Fund;
Plumbers & Steam Fitters Local #150 Pension Fund; Plumbers &
Steam Fitters Local #150 Annuity Fund, and Jackie K. Nordeen, Jr.
and Patrick H.F. Smith, IV, as Trustees of these Funds; Plumbers
& Steam Fitters Local #150 Vacation Fund and Patrick H. F. Smith, IV
and Joseph L. Dozier, as Trustees of this Fund; Augusta Joint
Apprenticeship and Journeymen Training Committee, and Patrick
H.F. Smith, IV and Charles I. Hardigree, as Trustees of this Fund;
Trustees of Southern Iron Workers Pension Fund; Trustees of
Southeastern Iron Workers Healthcare Plan; Trustees of
Southeastern Iron Workers #709 Joint Apprenticeship and
Training committee and Local #709, International Association
of Bridge, Structural, Ornamental and Reinforcing Iron Workers;
Southeastern Carpenters and Millwrights Health Trust,
Southeastern Carpenters and Millwrights Pension Trust, Larry
Phillips and J. Kirk Malone, as Trustees of these Funds;
Ferguson Enterprises, Inc.; Presidential Financial Corporation;
Norton Welding Supply, Inc.; United Rentals (North America), Inc.;
Daniel R. Friedmann; Tony Hall; Timothy R. Hall, Jr.; Ralph D.
Black; Thomas Brittingham; Arthur C. Carlson; Leonard Wade

Cliett; Christopher Cullipher; David W. Cullipher; Joseph A. Doyle, Jr.; Charles R. Ellzey; Brian Field; Clayton W. Googe, Jr.; Martin Granger; William R. Giffin, Jr.; Jack E. Hegler; George G. Lever; Matt Lever; Ernest H. Lewis, III; the Estate of William R. McFerrin by and through its duly-appointed Executrix, Nancy McFerrin; Daniel Nichols; Kinda Phommachanh; Raleigh B. Roye; Nicholas Stewart; Timothy P. Stock; James Waltemath; Al Tiska; Al Carpenter; Bruce Pollock, Jr.; and, Security Federal Bank, Third Party Defendants,

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SC Court of Appeals

Of Whom

Daniel R. Friedmann; Tony Hall; Timothy R. Hall, Jr.; Ralph D. Black; Thomas Brittingham; Arthur C. Carlson; Leonard Wade Cliett; Christopher Cullipher; David W. Cullipher; Joseph A. Doyle, Jr.; Charles R. Ellzey; Brian Field; Clayton W. Googe, Jr.; Martin Granger; William R. Giffin, Jr.; Jack E. Hegler; George G. Lever; Matt Lever; Ernest H. Lewis, III; the Estate of William R. McFerrin by and through its duly-appointed Executrix, Nancy McFerrin; Daniel Nichols; Kinda Phommachanh; Raleigh B. Roye; Nicholas Stewart; Timothy P. Stock; James Waltemath; Al Tiska; Al Carpenter; and Bruce Pollock, Jr. are Appellants,

And Presidential Financial and Security Federal Bank, are also Respondents.

MOTION FOR COSTS

Pursuant to Rule 222, SCACR, Appellants request that the costs of this appeal be taxed against Custom Mechanical CSRA, LLC and Presidential Financial and Security Federal Bank, who were the respondents.

Rule 222(a) provides that when a judgement is reversed, costs shall be taxed against the respondent unless the court orders otherwise. This Court reversed and remanded the circuit court's decision on June 10, 2015, and the Court issued the remittitur June 26, 2015. Because the Court has not ordered otherwise and because the parties have not agreed otherwise, the rule provides that

the Court should award costs to appellants.

In accordance with the instructions of Rule 222(d), an itemized statement of costs is attached to this motion.

July 13, 2014

Respectfully submitted,



John S. Nichols, SC Bar #4210

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Attorneys for Appellants

THE STATE OF SOUTH CAROLINA
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C.R. Meyer and Sons Company,)
)
Plaintiff,)
)
v.)
)
Custom Mechanical CSRA, LLC)
)
Defendant.)
)
And)
)
Custom Mechanical CSRA, LLC is)
)
Respondent,)
)
v.)
)
Plumbers & Steam Fitters Local #150 Health)
and Welfare Fund; Plumbers & Steam Fitters)
Local #150 Pension Fund; Plumbers &)
Steam Fitters Local #150 Annuity Fund, and)
Jackie K. Nordeen, Jr. and Patrick H.F. Smith,)
IV, as Trustees of these Funds; Plumbers)
& Steam Fitters Local #150 Vacation Fund)
and Patrick H. F. Smith, IV and Joseph L.)
Dozier, as Trustees of this Fund; Augusta Joint)
Apprenticeship and Journeymen Training)
Committee, and Patrick H.F. Smith, IV and)
Charles I. Hardigree, as Trustees of this Fund;)
Trustees of Southern Iron Workers Pension)
Fund; Trustees of Southeastern Iron Workers)
Healthcare Plan; Trustees of Southeastern Iron)
Workers #709 Joint Apprenticeship and)
Training committee and Local #709,)
International Association of Bridge, Structural,)
Ornamental and Reinforcing Iron Workers;)
Southeastern Carpenters and Millwrights)
Health Trust, Southeastern Carpenters and)
Millwrights Pension Trust, Larry Phillips and)
J. Kirk Malone, as Trustees of these Funds;)

Ferguson Enterprises, Inc.; Presidential)
Financial Corporation; Norton Welding)
Supply, Inc.; United Rentals (North America),)
Inc.; Daniel R. Friedmann; Tony Hall;)
Timothy R. Hall, Jr.; Ralph D. Black; Thomas)
Brittingham; Arthur C. Carlson; Leonard)
Wade Cliett; Christopher Cullipher; David W.)
Cullipher; Joseph A. Doyle, Jr.; Charles R.)
Ellzey; Brian Field; Clayton W. Googe, Jr.;)
Martin Granger; William R. Giffin, Jr.; Jack E.)
Hegler; George G. Lever; Matt Lever; Ernest)
H. Lewis, III; the Estate of William R.)
McFerrin by and through its duly-appointed)
Executrix, Nancy McFerrin; Daniel Nichols;)
Kinda Phommachanh; Raleigh B. Roye;)
Nicholas Stewart; Timothy P. Stock; James)
Waltemath; Al Tiska; Al Carpenter; Bruce)
Pollock, Jr.; and, Security Federal Bank,)

Third Party Defendants,)

Of Whom)

Daniel R. Friedmann; Tony Hall; Timothy R.)
Hall, Jr.; Ralph D. Black; Thomas)
Brittingham; Arthur C. Carlson; Leonard)
Wade Cliett; Christopher Cullipher; David W.)
Cullipher; Joseph A. Doyle, Jr.; Charles R.)
Ellzey; Brian Field; Clayton W. Googe, Jr.;)
Martin Granger; William R. Giffin, Jr.; Jack E.)
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Executrix, Nancy McFerrin; Daniel Nichols;)
Kinda Phommachanh; Raleigh B. Roye;)
Nicholas Stewart; Timothy P. Stock; James)
Waltemath; Al Tiska; Al Carpenter; and Bruce)
Pollock, Jr. are,)

Appellants,)

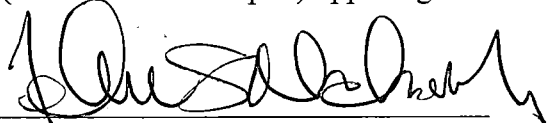
And Presidential Financial and Security)
Federal Bank are also,)

Respondents.)

The Appellate Court is requested to tax the following costs against

| Custom Mechanical CSRA, LLC and Presidential Financial and Security Federal Bank (the Respondents) | | | | |
|---|-----------------|-------------------------------|------------|------------------------------------|
| COSTS TAXABLE UNDER RULE 222, SCACR | NO. OF PAGES | RATE | REQUESTED | ALLOWED (For Court Use Only) |
| Cost of Printing or Copying Final Brief | 38 | \$88.20 (plus \$6.00 tax) | \$94.20 | |
| Cost of Printing or Copying Final Reply Brief | 12 | \$61.80 (plus \$6.00 tax) | \$67.80 | |
| Cost of Printing or Copying Record on Appeal | 900 | \$1,071 (plus \$85.74 tax) | \$1,157.54 | |
| Filing Fee Paid Under Rule 203(d), SCACR | | \$100.00 | \$100.00 | |
| Cost of Court Reporter's Transcript | 49 pages | \$301.35 | \$301.35 | |
| 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 | | | | |
| Cost of Printing and 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 | \$2,720.89 | |

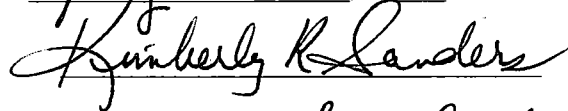
I, John S. Nichols, do swear or affirm that the forgoing costs are correct and were necessarily incurred in this action. A copy of this statement was (mailed to/served upon) opposing counsel.



(Signature)

Attorney for APPELLANT

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



Notary Public for South Carolina

My Commission Expires: 6/12/2022

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And Presidential Financial and Security Federal Bank, are also Respondents.

PROOF OF SERVICE

The undersigned hereby certifies that on the date indicated below she served counsel for the Respondents with a copy of the *Motion for Costs and Itemized Statement of Costs* by mailing copies of the same by United States Mail with first class postage prepaid to the following addresses:

Emily R. Gifford, Esquire
RICHARDSON PLOWDEN CARPENTER & ROBINSON, PA
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John T. Lay, Jr., Esquire
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Aiken, SC 29802-0463



Erin Bridges
Paralegal
BLUESTEIN, NICHOLS, THOMPSON
& DELGADO, LLC

July 13, 2015
Columbia, South Carolina



BLUESTEIN · NICHOLS · THOMPSON · DELGADO LLC
ATTORNEYS AT LAW

July 13, 2015

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SC Court of Appeals

VIA HAND DELIVERY

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

RE: C.R. Meyer and Sons Company v. Custom Mechanical CSRA, LLC v. Presidential
Financial and Security Federal Bank v. Daniel R. Friedmann, et. al.
Case Tracking No.: 2013-001839

Dear Ms. Kitchings:

Please find enclosed for filing the original and seven (7) copies of Appellants' *Motion for Costs* along with an itemized statement of costs in regards to the above referenced matter. I have also enclosed a proof of service upon counsel for the Respondents along with a check in the amount of \$25.00 for filing this motion. Please return the additional filed copy to me via our courier.

Thank you for your attention to this matter. If you need any additional information, please do not hesitate to contact me.

Sincerely,

Erin Bridges
Paralegal to John S. Nichols
BLUESTEIN, NICHOLS, THOMPSON &
DELGADO, LLC

/emb
Enclosures

cc: Nekki Shutt, Esquire
Emily R. Gifford, Esquire
John T. Lay, Jr., Esquire
Robert L. Buchanan, Jr., Esquire