

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM Horry COUNTY
Court of Common Pleas

Larry B. Hyman, Circuit Court Judge

Case No. 2013-002133

RECEIVED

SEP 02 2015

SC Court of Appeals

Stephanie A. Smith, on behalf of herself and all others similarly situated..... Appellant

v.

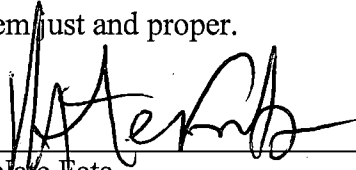
Progressive Halcyon Insurance Company, n/k/a Progressive Direct Insurance Co.,
Progressive Max, and Progressive Casualty Insurance Respondents

MOTION FOR COSTS

Stephanie A. Smith, on behalf of herself and all others similarly situated the Appellant in the above-referenced matter, hereby moves for an award of costs and attorney's fees pursuant to Rule 222, SCACR. This motion is based upon the South Carolina Court of Appeal's vacating in part the judgment on appeal because the lower court improperly decided the merits at the class certification stage. Unpublished Op. No. 2015-UP-392 (filed on August 5, 2015). The Clerk of the Court of Appeals is requested to tax costs and fees in the amount of \$2,843.59 representing the cost of printing and copying the Record on Appeal, Brief of the Petitioner, Reply Brief of the Petitioner, filing fees, and attorney's fees provided by Rule 222(b), SCACR, against the Respondents, Progressive Halcyon Insurance Company, n/k/a Progressive Direct Insurance Co., Progressive Max, and Progressive Casualty Insurance. The aforementioned costs and fees are stated more particularly in the attached Itemized Statement of Costs.

The Appellant, Stephanie Smith, further requests such other relief against the Respondents as this Honorable Court may deem just and proper.

August 28, 2015



Nate Fata

Nate Fata, P.A.

Post Office Box 16620

Surfside Beach, SC 29587

(843) 238-2676

Attorney for Stephanie A. Smith

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ITEMIZED STATEMENT OF COSTS

The Court of Appeals is requested to tax the following costs against Respondents,
Progressive Halcyon Insurance Company, n/k/a Progressive Direct Insurance Co., Progressive
Max, and Progressive Casualty Insurance:

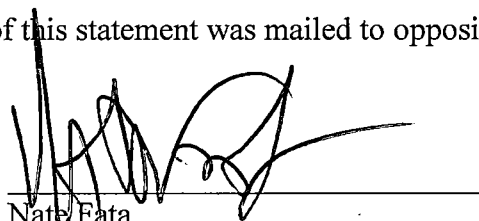
COSTS TAXABLE UNDER RULE 222, SCACR	NO. OF PAGES	RATE	AMOUNT CHARGED	REQUESTED	ALLOWED (for Court use only)
Cost of Printing or Copying Final Brief	1100	\$0.11	\$ 121.00		
Final Brief Bindings	20	\$2.45	\$ 49.00		
Cost of Printing or Copying Reply Brief	685	\$0.11	\$ 75.35		
Reply Brief Bindings	20	\$2.45	\$ 49.00		
Cost of Printing or Copying Record on Appeal Vol. I - III	6130	\$0.22	\$ 1,348.60		

TOTAL			\$1642.95		
**				\$1,385.09	
Filing Fee Paid Under Rule 203(d), SCACR				\$ 100.00	
Motion fees (4)		\$25.00		\$ 100.00	
Cost of Court Reporter's Transcript				\$ 125.50	
Cost of Court Reporter's Transcript				\$ 133.00	
Attorney's Fees Provided by Rule 222(b), SCACR				\$1,000.00	
		TOTAL		\$2,843.59	

**** Appellant received discounts for all printing services. Total amount paid for Final Brief, Reply Brief and Record on Appeal is \$1,385.09**

I, Nate Fata, do hereby 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.

August 28, 2015



Nate Fata
 Nate Fata, P.A.
 Post Office Box 16620
 Surfside Beach, SC 29587
 (843) 238-2676
 Attorney for Appellant Stephanie A. Smith

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PROOF OF SERVICE

I certify that I have served the Motion for Costs and Itemized Statement for Costs on Progressive Halcyon Insurance Company n/k/a Progressive Direct Insurance Co., Progressive Max, and Progressive Casualty Insurance by depositing a copy of same in the United States Mail, postage prepaid, on August 28, 2015, addressed to attorneys of record Thomas C. Brittain, Esq., A. Preston Brittain, Esq., The Brittain Law Firm, P.A., 4614 Oleander Drive, Myrtle Beach, SC 29577 and Jeffrey S. Cashdan, Esq. and Zachary A. McEntrye, Esq. King & Spalding, LLP, 1180 Peachtree Street, N.E., Atlanta, GA 20309 and to Charles V. Leonard, Esq. 4615 Oleander Drive, Suite 202, Myrtle Beach, SC 29577.

August 28, 2015



Nate Fata (S.C. No. 009866)

Nate Fata, P.A.

Post Office Box 16620

Surfside Beach, SC 29587

(843) 238-2676

Attorney for Appellant

NATE FATA, P.A.
ATTORNEY AT LAW

P.O. Box 16620
THE COURTYARD, SUITE 215
SURFSIDE BEACH, SOUTH CAROLINA 29587
TELEPHONE (843) 238-2676
TELECOPIER (843) 238-0240

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SC Court of Appeals

VIA U.S. MAIL

August 28, 2015

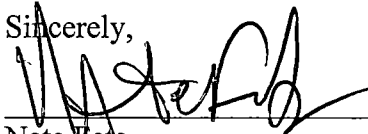
The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Post Office Box 11629
Columbia, South Carolina 29211

Re: Stephanie A. Smith vs. Progressive Halcyon Insurance
Appellate Case No. 2013-002133

Dear Ms. Kitchings:

Enclosed for filing are the original and six (6) copies of our Motion for Costs, Itemized Statement for Costs and original Proof of Service of the same in the above-referenced matter. By a copy of this correspondence, I am serving the other counsel of record with a copy of our Motion. Also enclosed, please find our check in the amount of \$25.00 for the filing of this Motion.

Sincerely,



Nate Fata

Nate Fata, P.A.

Post Office Box 16620

Surfside Beach, SC 29587

(843) 238-2676

Attorney for Appellant Stephanie A. Smith

The Honorable Jenny Abbott Kitchings
August 28, 2015
Page 2

Enclosures

cc:

Thomas C. Brittain, Esq. (SC No. 00893)
A. Preston Brittain, Esq.
The Brittain Law Firm, P.A.
4614 Oleander Drive
Myrtle Beach, SC 29577
and
Jeffrey S. Cashdan, Esq.
Zachary A. McEntrye, Esq.
King & Spalding, LLP
1180 Peachtree Street, N.E.
Atlanta, GA 30309
Co-Counsel for Respondents

Charles V. Leonard, Esq. (SC No. 64072)
Harris & Leonard, P.A.
4615 Oleander Drive, Suite 202
Myrtle Beach SC 29577
Co-Counsel for Appellant

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