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SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

J.C. Nicholson, Jr., Circuit Court Judge

Appellate Case No. 2014-001267
Circuit Case No. 2009-CP-10-3010

In the matter of ALICE SHAW BAKER.

BETTY FISHER and LISA FISHER.....Appellants

v.

BESSIE HUCKABEE, KAY PASSAILAGUE SLADE, SANDRA BYRD, and HENRY
MCMASTER, in his Capacity as Attorney General of South Carolina, Defendants

Of whom BESSIE HUCKABEE, KAY PASSAILAGUE SLADE, and SANDRA BYRD are
the.....Respondents

APPELLANTS' OPPOSITION TO MOTION FOR COSTS

COME NOW Betty Fisher and Lisa Fisher, Appellants in the above appeal, and pursuant to Rule 240(e), SCACR, file their Return in opposition to the Motion for Costs filed by Attorney Peter Kouten on behalf of Bessie Huckabee on or about September 30, 2015. Appellants oppose said motion for costs on the ground that the motion is premature. Appellants do not waive any arguments to said costs. This return is timely based on Rule 240(e), SCACR.

Costs may not be awarded unless the motion is timely filed, which pursuant to Rule 222, SCACR, rule 222(d) and (e), must be brought within 15 days of the issuance of the remittitur. (See also, Black v. B.B. Kirkland Seed Co., 163 S.C. 222, 161 S.E.2d 489 (1931) (similar conclusion based on prior costs provision).

WHEREFORE, Appellants pray for an Order denying Bessie Huckabee's Motion for Costs in its entirety. Alternatively, if the court does not deny the motion in its entirety, the court allow Appellants to file additional briefing.

October 9, 2015

RESPECTFULLY SUBMITTED,

JOHN HUGHES COOPER, P.C.

By:


JOHN HUGHES COOPER, ESQUIRE

Federal Court ID 298

South Carolina Bar 1387

State Bar of Georgia 185986

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ATTORNEYS FOR APPELLANTS

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the.....Respondents

PROOF OF SERVICE

I certify that I have served the **Appellants' Opposition to Motion for Costs** upon
Respondents and upon the Attorney General by depositing a copy of it in the United States Mail,
postage prepaid, on October 9, 2015, addressed as follows:

Hon. Mary Frances Jowers, Assistant Attorney General
P.O. Box 11549
Columbia, SC 29211
(By email)

Peter A. Kouten, Esquire
P.O. Box 340
Johns Island, SC 29457

W. Westbrook Wills III, Esquire
P.O. Box 822
Folly Beach, SC 29439

October 9, 2015

RESPECTFULLY SUBMITTED,

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By: 

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October 9, 2015

RECEIVED
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South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201
Attn: Diane

Re: Betty Fisher and Lisa Fisher, Appellants v. Bessie Huckabee, Kay Passailague Slade, Sandra Byrd, and Henry McMaster, in his capacity as Attorney General of South Carolina, Defendants, Of whom Bessie Huckabee, Kay Passailague Slade, and Sandra Byrd are Respondents, **Appellate Case No. 2014-001267**

Dear Diane:

Enclosed for filing please find an Original and 6 copies of Appellants' Opposition to Motion for Costs and a Proof of Service.

Also enclosed is a copy of our filing for date stamping and return to our office by mail.

Thank you for your assistance with this matter.

Best regards.

Very truly yours,

John Hughes Cooper

Enclosures: Original Opposition and Proof of Service
6 copies of Opposition and Proof of Service
Copy of Opposition for date stamping and return
Return envelope

Cc: W. Westbrook Wills III, Esquire
Peter A. Kouten, Esquire
Mary Frances Jowers, Asst. Attorney General (by email)

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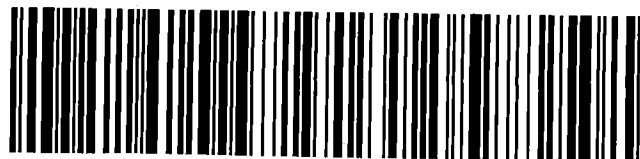
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