

RECEIVED

DEC 11 2015

SC Court of Appeals

**STATE OF SOUTH CAROLINA
In the Court of Appeals**

**APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas**

**Carmen T. Mullen, Circuit Court Judge
Marvin H. Dukes, III, Master in Equity**

**APPEAL CASE No. 2011-204367
Circuit Court Case No. 2011-CP-07-2546**

JOSEPH C. SUN Appellant

v.

**LILING SUN, OLESYA MATYUSHEVSKY,
CITIZENS OPPOSING DOMESTIC ABUSE, Respondents
and CHRISTINE VARG,**

**APPELLANT'S RESPONSE TO RESPONDENT
LILING SUN'S MOTION FOR COSTS ON APPEAL
AND ITEMIZED STATEMENT OF COSTS**

JOSEPH C. SUN, pro se
P. O. Box 151
Bluffton, SC 29910
843-226-8788

J. Sam Scoville, Esq.
P.O. Drawer 1107
Beaufort, SC 29901
843-524-3109

Respondent LiLing Sun's (hereinafter LiLing) motion should be denied as follows:

- (1) Respondent LiLing's motion and itemized statement of cost is in violation of Rule 222(d), SCACR which requires the motion "shall be accompanied by a sworn, itemized statement of costs incurred in the form prescribed in the Appendix to these rules." Among other defects, Respondent's itemized statements is not sworn under oath as required.
- (2) Rule 222(b), SCACR only allows the recovery of costs of the filing of the Notice of Appeal pursuant to Rule 203(d), the bonds if any, transcripts if any, printing of the Record on Appeal and the Final Brief, if any. Respondent provided an unsworn itemized statement listing only motions for extension of time and for costs which are not allowed by that rule. There is nothing else.
- (3) In *Martin v. Paradise Cove Marina, Inc.*, 348 S.C. 379, 384, 559 S.E.2d 348 (S.C. App., 2001), this court has previously held that, "Although Rule 222(d) provides that a party seeking costs must file a motion with the appellate court within fifteen days of the issuance of the remittitur, recovery under the rule is clearly limited to costs incurred **in pursuing the appeal**, such as the filing fee, the cost of obtaining the transcript, the cost of printing the Record on Appeal and final briefs, and limited attorney fees." Respondent's failure to file a sworn itemized statement to include any items allowed by the rule constitutes a waiver of her claim of cost and attorney fee.

Wherefore, Respondent's motion should be denied.

December 9, 2015.

Respectfully submitted,



JOSEPH C. SUN, pro se
P.O. Box 151
Bluffton, SC 29910
843-226-8788

RECEIVED

DEC 11 2015

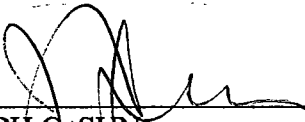
PROOF OF SERVICE

SC Court of Appeals

I certify that I have this date served the Appellant's Response to Respondent's Motion for Costs on Appeal by depositing a copy of same in the U.S. Mail postage prepaid, on December 9, 2015 addressed to her attorney on record at:

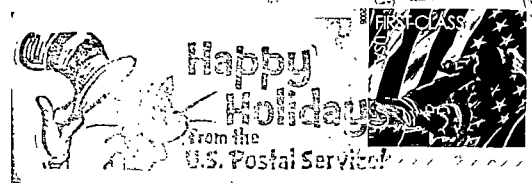
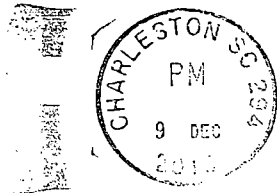
J. Sam Scoville, Esq.
P.O. Drawer 1107
Beaufort, SC 29901
843-524-3109

This 9th day of December, 2015.



JOSEPH C. SUN, pro se
P.O. Box 151
Bluffton, SC 29910
843-226-8788

J. C. Sun
P. O. Box 151
Bluffton, SC 29910



RECEIVED
DEC 11 2015
SC Court of Appeals

**Clerk of Court
Court of Appeals of South Carolina
P. O. Box 11629
Columbia, SC 29211**

2921161629 8012

