

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM ANDERSON COUNTY
COURT OF COMMON PLEAS
HONORABLE ROGER COUCH

RECEIVED

JAN 19 2016

SC Court of Appeals

APPELLATE CASE NO.: 2014-002614

RICHARD FREEMANTLE, individually and on behalf of himself
and all others similarly situated ... APPELLANT

VS

JOEY PRESTON, in his official capacity and individually, while administrator of
ANDERSON COUNTY; ANDERSON COUNTY, a political subdivision of the state of
SOUTH CAROLINA; ANDERSON COUNTY COUNCIL, the Legislative and
Executive body of ANDERSON COUNTY; RON WILSON, in his official capacity and
individually; BILL MCABEE, in his official capacity and individually; LARRY GREER,
in his official capacity and individually; MICHAEL THOMPSON, in his official capacity
and individually; GRACIE FLOYD, in her official capacity and individually...
RESPONDENTS

RETURN TO RESPONDENTS' MOTION FOR COSTS

The undersigned, Attorney for Appellant, returning to the Respondent's motion
for taxation of costs pursuant to Rule 222 of the South Carolina Appellate Court Rules
would respectfully request that Respondents' motion be denied.

Respondents' motion for taxation of costs does not comply with Rule 222(d) of
the South Carolina Appellate Court Rules which provides the motion shall be
accompanied by a sworn, itemized statement of costs incurred. Respondents' Affidavit

of Itemization of Costs is not a sworn itemized statement of costs incurred as required by 222(d) of the South Carolina Appellate Court Rules and Form 17 contained in Appendix C.

Further, South Carolina Appellate Court Rule 222(b) provides the party entitled to recover costs may recover the following: (1) the filing fee paid under Rule 203(d); (2) the cost of the court reporter's transcript; (3) premiums paid for costs of supersedeas bonds or other bonds obtained to preserve rights pending appeal; (4) the cost of printing the Record on Appeal under Rule 209; and (5) the cost of printing the party's final brief(s) under Rule 210.

Respondents' unworn statement contains a vague request for costs of photocopying and a request for postage. Costs for postage are not recoverable under South Carolina Appellate Court Rule 222(b). "[R]ecovery 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." *Martin v. Paradise Cove Marina, Inc.*, 348 S.C. 379, 559 S.E.2d 348 (S.C. App., 2001).

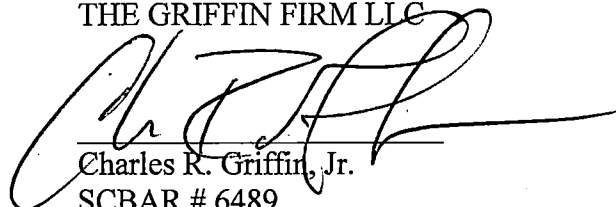
Respondents are requesting attorney fees in the amount of \$2,650.50 which is in excess of the amount of attorney fees as provided by order of the Supreme Court dated July 24, 1997 applicable to South Carolina Appellate Court Rule 222 which set the amount of attorney's fees at \$1,000. The attorney fee request is not itemized but is stated in conclusory terms that counsel expended 9.3 hours. Further, Respondents make vague references to multiple motions, initial briefs and notices from the Court with no

supporting sworn itemization. Respondents' also make vague references as to co-counsel with no supporting sworn itemization.

Also, Appellant voluntarily withdrew his appeal subsequent to filing his initial brief and before serving the Record on Appeal and Final Brief.

Wherefore, Appellant prays that the Respondents' motion for taxation of costs be denied, be dismissed and for such other and further relief that this Court deems just and proper.

THE GRIFFIN FIRM LLC



Charles R. Griffin, Jr.

SCBAR # 6489

210 N. McDuffie Street

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Anderson, SC 29621

864-231-8870

888-682-7317 (fax)

Attorney for Appellant

January 15, 2016

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

APPEAL FROM ANDERSON COUNTY
COURT OF COMMON PLEAS
HON. ROGER L. COUCH

JAN 19 2016

SC Court of Appeals

CASE NO.: 2009-CP-04-4528

RICHARD FREEMANTLE, individually and on behalf of himself and all others
similarly situated... APPELLANT

VS

JOEY PRESTON, in His Official Capacities and Individually; While Administrator of
Anderson County; ANDERSON COUNTY, a political Subdivision of the State of South
Carolina; ANDERSON COUNTY COUNCIL, The Legislative and Executive Body of
Anderson County; RON WILSON, in His Official Capacities and Individually; BILL
MCABEE, in His Official Capacities and Individually; LARRY GREER, in His Official
Capacities and Individually; MICHAEL THOMPSON, in His Official Capacities and
Individually; GRACIE FLOYD, in Her Official Capacities and Individually; ...
RESPONDENTS

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on January 15, 2016 he served the
Appellant's Return to Respondents' Motion for Costs on the Respondents by depositing
in the U.S. Mail with postage prepaid addressed to the following:

James W. Logan, Esq.
1805 North Boulevard
Anderson, SC 29621

Kevin William Sturm, Esq.
P.O Box 5448
Spartanburg, SC 29304

D. Randall Moody II, Esq.
Joseph O. Smith, Esq.
P.O Box 10529
Greenville, SC 29603

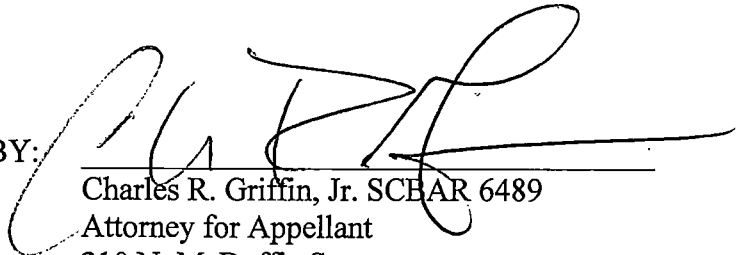
Donald L. Allen, Esq.
1209 North Main Street
Anderson, SC 29621

Andrew F. Lindemann, Esquire
P.O Box 8568
Columbia, SC 29202-8568

Candy Kern-Fuller, Esq.
200 E. Main Street
Easley, SC 29640

THE GRIFFIN FIRM, LLC

BY:

A handwritten signature in black ink, appearing to read 'C. R. Griffin, Jr.', written over a horizontal line.

Charles R. Griffin, Jr. SCBAR 6489

Attorney for Appellant

210 N. McDuffie Street

Anderson, SC 29621

864-231-8870

Fax 888-682-7717

Attorney for Appellant

Dated: January 15, 2016

The Law Offices of
The Griffin Firm, LLC

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RECEIVED

January 15, 2016

JAN 19 2016

SC Court of Appeals

Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: Richard Freemantle, individually and on behalf of himself and all others similarly
situated v. Joey Preston, et al.
Appellate Case #: 2014-002614

Dear Ms. Kitchings:

Enclosed, please find Appellant's Return to the Respondents' Motion for Costs along
with Certificate of Service of Same.

Sincerely,


Charles R. Griffin, Jr.

cc:

James W. Logan, Esq.
1805 North Boulevard
Anderson, SC 29621

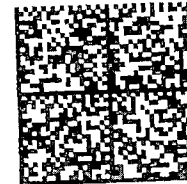
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irm, LLC

Street • Ste 103
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Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211