

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Carmen Mullen, Circuit Judge
Marvin H. Dukes, III, Master-In-Equity

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FEB 08 2016

Supreme Court Case No. 2015-00116 S.C. SUPREME COURT
S.C. Ct. App. Unpublished Opinion No. 2015-UP-146
Submitted February 1, 2015 - Filed March 18, 2015

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

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FEB 09 2016

SC Court of Appeals

v.

JOSEPH C. SUN Petitioner

MOTION TO DISALLOW ATTORNEY'S FEE

Respondents motion for costs was granted by the Court of Appeals and they were
purportedly awarded \$1,000.00 of costs against the Appellant as shown in the attached court order

(Exhibit A). The Court of Appeals is erroneous as follows:

- (1) Only Respondent LiLing Sun filed a motion for costs. 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." (Copy of Respondent Sun's motion for cost, Exhibit B.) Among other defects, Respondent's itemized statements is not sworn under oath as required. Respondent

LiLing has not provided any proof that she incurred any cost. Her failure to file a sworn itemized statement to include any items allowed by the rule constitutes a waiver of her claim.

(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 Liling filed an unsworn statement listing only motions for extension of time and for costs which are not allowed by that rule. There is nothing else.

(3) Appellant is 69 years old, retired on a small Social Security as his only source of income. He proceeded on appeal in good faith to seek recover of the damages and injury committed against him by the defendants. He has no funds to pay for the attorney's fee awarded against him.

Wherefore, Appellant prays that Respondent not be awarded any attorney's fee.

January 26, 2016

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S.C. SUPREME COURT


PROOF OF SERVICE

I certify that I have this date served the Appellant's Motion to Disallow Attorney's Fee by depositing a copy of same in the U.S. Mail postage prepaid, on January 26, 2016 addressed to her attorney on record at:

Jackson H. Daniel, III, Esq
40 Calhoun Street, Suite 400
Charleston, SC 29401
843-727-7307

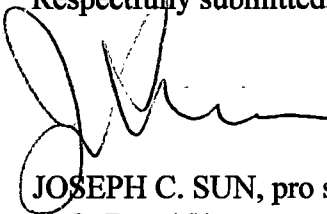
J. Sam Scoville, Esq.
P.O. Drawer 1107
Beaufort, SC 29901
843-524-3109

This 26th day of January, 2016



JOSEPH C. SUN, pro se
P.O. Box 151
Bluffton, SC 29910

Respectfully submitted,


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

The South Carolina Court of Appeals

Joseph C. Sun, Appellant,

v.

Olesya Matyushevsky, Citizens Opposed to Domestic Abuse, Christine Varg, and Liling Sun, Respondents.

AND

Joseph C. Sun, Appellant,

v.

Olesya Matyushevsky, Citizens Opposed to Domestic Abuse, and Christine Varg, Respondents.

AND

Joseph C. Sun, Appellant,

v.

Olesya Matyushevsky, Citizens Opposed to Domestic Abuse, and Christine Varg, Respondents.

Appellate Case No. 2011-204367

ORDER

Pursuant to Rule 222 of the South Carolina Appellate Court Rules, the motion for costs filed by Respondents is granted in the amount of \$1,000.00 against Appellant. The lower court or tribunal is directed to add this award of costs to the remittitur.

- A -

Paul W. Thomas

J.

U. Ke

J.

John D. Hatt

J.

Columbia, South Carolina

FILED

cc:

Joseph Sun

John Samuel Verner Scoville, Esquire

Charles J. Baker, III, Esquire

Jackson H. Daniel, III, Esquire

Sarah E. Wetmore, Esquire

Jerri Ann Roseneau

Joseph C. Sun

January 21, 2016

THE 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

Case No. 2011-CP-07-2546

Appellate Case No. 2011-204367

Joseph C. Sun,

Appellant,

v.

Olesya Matyushevsky, Citizens Opposing
Domestic Abuse, Christine Varg and Liling
Sun,

Respondents.

RESPONDENT'S MOTION FOR COSTS ON APPEAL

J. Samuel Scoville, Esquire
HARVEY & BATTEY, P.A.
P.O. Drawer 1107
Beaufort, SC 29901
(843)-524-3109
Attorney for Respondent
Liling Sun, now known as Liling Walsh

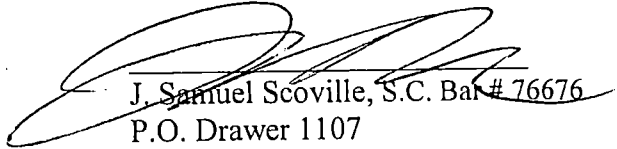
Respondent hereby moves pursuant to Rule 222, SCACR, for the taxation of costs on appeal against the Appellant. The grounds for this motion are that the Respondent is entitled to the taxation of her costs on appeal against the Appellant, as the following shows:

1. Rule 222, SCACR, provides for the taxation of costs on appeal against an Appellant when the judgment of the lower court is affirmed. In this case, the judgment of the lower court was affirmed.
2. This motion is timely. "A party desiring costs to be taxed shall, within fifteen (15) days of the issuance of the remittitur, serve and file a motion requesting that costs be assessed under this Rule." Rule 222(d), SCACR. The remittitur was issued on November 20, 2015, less than 15 days before the service and filing of this motion.
3. The Respondent has actually incurred taxable costs in the amount of 75.00, as is shown on the attached itemized statement of costs. Additionally, Respondent has incurred attorney's fees in this matter on appeal and asks that the Court award her \$1,000.00 in attorney's fees as part of her costs.
4. The Respondent is entitled to an Order taxing costs against the Appellant.

WHEREFORE, Respondent prays for an Order taxing costs in the amount of \$1,075.00 or, in the alternative, in the amount deemed appropriate by the Court, against the Appellant in this appeal.

Respectfully submitted,

HARVEY & BATTEY, P.A.



J. Samuel Scoville, S.C. Bar # 76676

P.O. Drawer 1107

Beaufort, SC 29901

(843)-524-3109

Attorney for Respondent

Liling Sun, now known as Liling Walsh

Dated: November 30, 2015.

THE 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

Case No. 2011-CP-07-2546

Appellate Case No. 2011-204367

Joseph C. Sun,

Appellant,

v.

Olesya Matyushevsky, Citizens Opposing
Domestic Abuse, Christine Varg and Liling
Sun,

Respondents.

ITEMIZED STATEMENT OF COSTS

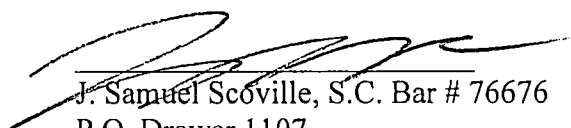
The Appellate Court is requested to tax the following costs against
Joseph C. Sun

Date	Costs taxable under Rule 222, SCACR	Requested	Allowed
8-5-13	Motion for Extension of Time	\$25.00	
8-30-13	Motion for Extension of Time	\$25.00	
11-30-15	Motion for Costs	\$25.00	
TOTAL		\$75.00	

I, J. Samuel Scoville, do swear or affirm that the foregoing costs are correct and were necessarily incurred in this action. A copy of this statement was served by mail on the *Pro Se* Appellant along with Respondent's motion for costs.

Respectfully submitted,

HARVEY & BATTEY, P.A.


J. Samuel Scoville, S.C. Bar # 76676

P.O. Drawer 1107
Beaufort, SC 29901
(843)-524-3109

Attorney for Respondent
Liling Sun, now known as Liling Walsh

Dated: November 30th, 2015.

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



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Supreme Court of South Carolina
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Columbia, SC 29211