

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM OCONEE COUNTY
Court of Common Pleas

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

Op. No. 27594 (S.C. Sup. Ct. filed Dec. 2, 2015)

RECEIVED

FEB 26 2016

SC SUPREME COURT

Scott F. Lawing and Tammy R. Lawing, Petitioners/Respondents,

v.

Univar, USA, Inc., Trinity Manufacturing Inc.,
and Matrix Outsourcing, LLC, Defendants,

Of Whom
Trinity Manufacturing, Inc. and Matrix
Outsourcing, LLC are Respondents/Petitioners.

MOTION FOR COSTS

Pursuant to Rules 222, 240 and 242(j), SCACR, Scott F. Lawing and Tammy R. Lawing request that the costs of this appeal be taxed against Trinity Manufacturing, Inc. and Matrix Outsourcing, LLC , who were the Respondents/Petitioners. The Court affirmed in part and reversed in part the circuit court’s decision in an opinion filed December 2, 2015. The Court issued the remittitur in the case February 12, 2016.

Rule 242(j) provides that when the decision of this Court “has the effect of reversing the judgment of the lower court or tribunal which was on appeal, costs shall be assessed against the respondent before the Court of Appeals.” Rule 242(j)(1), SCACR.

The Court addressed two rulings by the trial court in this case: (1) whether the

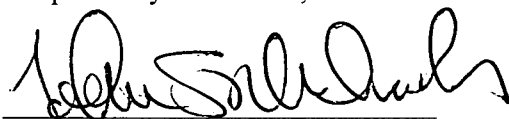
“sophisticated user” doctrine was the law in this State and thus should be charged to the jury; and (2) whether Mr. Lawing was a “user or consumer” within the meaning of the products liability warranty provision of the Code. The trial court ruled against Mr. Lawing on both points. The Court of Appeals affirmed as to point (1) but reversed as to point (2).

The Lawings sought review of the affirmance of point (1) (sophisticated user) and this Court reversed. Trinity and Matrix sought review as to point (2) (warranty), and this Court affirmed. The effect of these rulings is to reverse in favor of the Lawings both rulings by the trial court. The Lawings therefore prevailed on *all* issues before this Court. Accordingly, the Court should assess costs against Trinity and Matrix, the respondent before the Court of Appeals.

In accordance with the instructions of Rule 242(j)(4), an itemized statement of costs is attached to this motion.

February 26, 2016

Respectfully submitted,*



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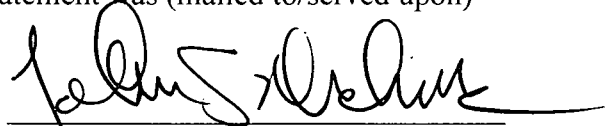
Scott F. Lawing and Tammy R. Lawing,)
)
Petitioners/Respondents,)
)
v.)
)
Univar, USA, Inc., Trinity Manufacturing Inc., and Matrix Outsourcing, LLC,)
)
Defendants,)
)
Of Whom)
Trinity Manufacturing, Inc. and Matrix Outsourcing, LLC are,)
)
Respondents/Petitioners.)
)

The Appellate Court is requested to tax the following costs against

Trinity Manufacturing, Inc. and Matrix Outsourcing, LLC (the Respondents/Petitioners)				
COSTS TAXABLE UNDER RULE 222, SCACR	NO. OF PAGES	RATE	REQUESTED	ALLOWED (For Court Use Only)
Cost of Printing or Copying Final Brief	64	\$ 90.50 (plus \$6.34 tax)	\$96.84	
Cost of Printing or Copying Final Reply Brief				
Cost of Printing or Copying Record on Appeal	1,653	\$2,080.30 (plus \$145.62 tax)	\$2,225.92	
Filing Fee Paid Under Rule 203(d), SCACR		\$100.00	\$100.00	
Cost of Court Reporter's Transcript	3,471	\$1.203 per page	\$4,176.25	


Attorney's Fee Provided By Rule 222(b), SCACR			\$1,000.00	
Other (specify and explain):				
COSTS TAXABLE UNDER RULE 242(j), SCACR				
Cost of Printing or Copying Brief of Petitioner	44	\$100.90	\$100.90	
Cost of Printing or Copying Brief of Respondent	35	\$89.52 (plus \$7.16 tax)	\$96.68	
Cost of Printing and Copying Reply Brief	15	\$61.80 (plus \$4.94 tax)	\$66.74	
Cost of Printing or Copying Appendix	2,741	\$2,598.68 (plus \$215.96 tax)	\$2,814.64	
Filing fee paid under Rule 242(c), SCACR			\$100.00	
Attorney's fee provided by Rule 242(j)(2), SCACR			\$1,000.00	
Other (specify and explain):				
		TOTAL	\$11,777.97	

I, JOHN S. NICHOLS, do swear or affirm that the forgoing costs are correct and were necessarily incurred in this action. A copy of this statement was (mailed to/served upon) opposing counsel.


(Signature)

Attorney for Petitioners/Respondents

Subscribed and sworn before me this 26 day of February, 2016


Notary Public for South Carolina
My Commission Expires: 7-19-22

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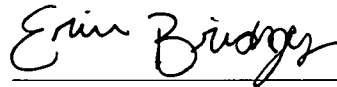
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PROOF OF SERVICE

The undersigned hereby certifies on the date indicated below, she served counsel for the Respondents/Petitioners with a copy of the *Motion for Costs and Itemized Statement of Costs* by mailing copies of the same by United States Mail with first class postage prepaid to the following address:

Christian Stegmaier, Esquire
Amy L. Neuschafer, Esquire
COLLINS & LACY, PC
Post Office Box 12487
Columbia, South Carolina 29211



Erin Bridges
BLUESTEIN, NICHOLS, THOMPSON
& DELGADO, LLC

February 26, 2016
Columbia, South Carolina