

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

**RECEIVED**

MAR - 7 2016

**SC SUPREME COURT**

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

The Honorable R. Knox McMahon, Circuit Court Judge

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Appellate Case No. 2015-001100  
Case No. 2012-CP-32-3496  
Memorandum Opinion No. 2016-MO-003

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Roger R. Riemann .....Petitioner.

v.

Palmetto Gems & Gemological Services, Inc. & Thomas Shofner, in his individual  
capacity.....Respondents.

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**RESPONDENTS' MOTION FOR TAXATION OF COSTS**

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Pursuant to SCACR 242(j), Respondents Palmetto Gems & Gemological Services & Thomas Shofner, individually (collectively, "Respondents") respectfully request that their costs on appeal be taxed against Petitioner Roger R. Riemann ("Petitioner"), in the total amount of \$2,613.70. The grounds for this Motion are as follows:

1. On May 21, 2015, Petitioner filed a Petition for a Writ of Certiorari with this Court, which the Court granted on October 21, 2015. On February 24, 2016, the Court issued an order dismissing the Writ of Certiorari as improvidently granted and remitted the case to the lower court.

2. Pursuant to SCACR 242(j)(1), the decision of this Court has the effect of reversing the order of lower court which was on appeal, and thus Respondents are entitled to recovery of their costs from Petitioner. Pursuant to SCACR 242(j)(4), this Motion is timely filed within fifteen (15) days of the issuance of the remittitur.

3. Respondents request that the following costs be taxed against Petitioner:

**Costs Taxable Under Rule 222, SCACR:**

<u>Description</u>	<u>No. of Pages</u>	<u>Rate</u>	<u>Costs Requested</u>	<u>Costs Allowed (court use only)</u>
Filing fee paid under Rule 203(d)	n/a	n/a	\$100	
Costs of printing/copying Final Brief	378	\$0.10/page	\$37.80	
Costs of printing/copying Final Reply Brief	234	\$0.10/page	\$23.40	
Cost of printing/copying Record on Appeal	2124	\$0.10/page	\$212.40	
Cost of court reporter's transcript	51	\$3.50/page	\$178.50	
Attorney's fee provided by Rule 222(b), SCACR	n/a	n/a	\$1,000	
		<b><u>TOTAL:</u></b>	<b>\$1,552.10</b>	

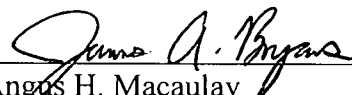
**Costs Taxable Under Rule 242(j), SCACR**

<u>Description</u>	<u>No. of Pages</u>	<u>Rate</u>	<u>Costs Requested</u>	<u>Costs Allowed (court use only)</u>
Costs of printing/copying Respondents' Brief	504	\$0.10/page	\$50.40	
Costs of printing Appendix	112	\$0.10/page	\$11.20	
Attorney's fee provided by Rule 242(j)(2), SCACR	n/a	n/a	\$1,000	
		<b><u>TOTAL:</u></b>	<b>\$1,061.60</b>	

Pursuant to SCACR 242(j)(4), the undersigned counsel for Respondents hereby certifies that the foregoing costs are correct and were necessarily incurred in this action. A copy of this statement was served upon opposing counsel in accordance with the attached Proof of Service.

For the foregoing reasons, Respondents respectfully request that this Motion for Taxation of Costs be **GRANTED** and that Respondents costs in the amount of \$2,613.70 be taxed against Petitioner and added to the remittitur in this case.

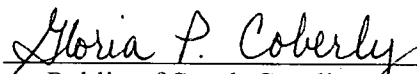
Respectfully submitted,

  
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Angus H. Macaulay S.C. Bar #15044  
James A. Byars S.C. Bar #79055  
NEXSEN PRUET, LLC  
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803.771.8900  
AMacaulay@nexsenpruet.com  
JByars@nexsenpruet.com

Attorneys for Respondents

SWORN to before me

This 7<sup>th</sup> day of March, 2016

By:   
\_\_\_\_\_  
Notary Public of South Carolina

My Commission expires: 4/24/22

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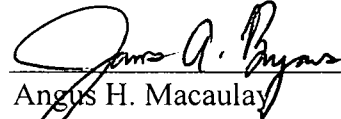
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**PROOF OF SERVICE**

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I hereby certify that I have served the foregoing Motion for Taxation of Costs by mailing a copy of the same, addressed to Petitioner's Counsel of Record, Eugene H. Matthews, Esq., 1900 Barnwell Street, Columbia, South Carolina 29201, this 7<sup>th</sup> day of March, 2016.

March 7, 2016



Angus H. Macaulay S.C. Bar #15044

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