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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM DORCHESTER COUNTY OF COMMON PLEAS

The Hon. Kristi Lee Harrington, Circuit Court Judge

Case No.: 13-CP-18-0546

RECEIVED

APR 22 2016

SC Court of Appeals

Appellate Case No.: 2014-000141

William McFarland,

Appellant,

v.

Sofia Mazell, Michael Mazell,
Pierceton Mazell, and Faith Mazell,

Respondents.

**NOTICE OF MOTION AND MOTION TO TAX COSTS, INCLUDING AN ATTORNEY'S
FEE, AGAINST APPELLANT PURSUANT TO RULE 222 OF THE SOUTH
CAROLINA RULES OF APPELLATE PROCEDURE**

PLEASE TAKE NOTICE that the respondents, Sofia Mazell, Michael Mazell, Pierceton Mazell and Faith Mazell ("respondents"), will move this Court upon the Affidavit of its counsel, William B. Jung, Esq., sworn to April 19, 2016, pursuant to Rule 222 of the South Carolina Rule of Appellate Procedure, to assess and tax costs totaling \$2,101.18, representing attorney's fees of \$2,000.00 and costs of \$101.18 for printing Respondents' Final Brief, against Appellant William McFarland based upon this Court's dismissal of Appellant's Appeal and the Supreme Court's denial of Appellant's Petition for a Writ of Certiorari.

WHEREFORE, counsel prays for an Order awarding \$2,101.18 in costs against

the Appellant and in favor of the Respondents.

Dated: Mount Pleasant, S.C.
April 19, 2016

WILLIAM B. JUNG, ESQ.

A handwritten signature in black ink, appearing to read "William B. Jung", written over a horizontal line.

William B. Jung, Esq. (#0068788)
1156 Bowman Road, Ste. 200
Mount Pleasant, S.C. 29464
(843) 576-4200

Attorney for the Respondents

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APPEAL FROM DORCHESTER COUNTY OF COMMON PLEAS

The Hon. Kristi Lee Harrington, Circuit Court Judge

Case No.: 13-CP-18-0546

Appellate Case No.: 2014-000141

William McFarland,)
)
 Appellant,)
)
 v.)
)
 Sofia Mazell, Michael Mazell,)
 Pierceton Mazell, and Faith Mazell,)
)
 Respondents.)

**AFFIDAVIT IN SUPPORT OF
MOTION TO TAX COSTS
AGAINST APPELLANT**

STATE OF SOUTH CAROLINA)
) ss.:
 COUNTY OF CHARLESTON)

WILLIAM B. JUNG, ESQ., being duly sworn, deposes and says:

1. I am an attorney admitted to practice before this Court and am counsel to the Respondents. I have personal knowledge of the following averments, which I represent are true and correct statements of fact. I submit this affidavit in support of Respondents' motion to tax costs and attorney's fees against the appellant, William McFarland, pursuant to Rule 222 of the South Carolina Rules of Appellate Procedure.


2. The Respondents, Sofia Mazell, Michael Mazell, Pierceton Mazell and Faith Mazell, were the successful parties on this appeal, which was originally

dismissed by this Court's Order dated August 19, 2015. Appellant's subsequent Petition for Rehearing was denied by this Court's Order dated September 17, 2015.

3. On October 15, 2015, Appellant served a Petition for a Writ of Certiorari with the Supreme Court of South Carolina. Respondent served their Return on October 16, 2015. By Order dated March 25, 2016, the Supreme Court denied Respondent's Petition for a Writ of Certiorari. On April 13, 2016, this Court issued a Remittur to the Clerk of Court for the Dorchester County Court of Common Pleas.

4. Respondents seek an attorney's fee of \$1,000.00 for the dismissal of Appellant's Appeal in the Court of the Appeals (Rule 222(b) and an attorney's fee of \$1,000.00 for the denial of Appellant's Petition for a Writ of Certiorari by the Supreme Court. Rule 226(j). In addition to the \$2,000.00 attorney's fee provided by Rules 222(b) and 226(j), respondents incurred the following costs: (1) \$101.18 in printing the respondents' Final Brief. A copy of the Invoice from ProLegal Copies for printing of Respondents' Brief is attached as Exh. "1."

WHEREFORE, respondents pray for an Order awarding \$3,101.18 in costs against appellant and in favor of the respondents as provided in Rule 222(b) and Rule 226(j) of the South Carolina Rules of Appellate Procedure.


WILLIAM B. JUNG, ESQ.

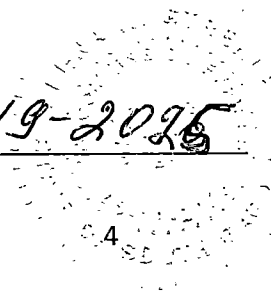
Sworn to before me this 19th
Day of April, 2016.



Notary Public for South Carolina

My Commission Expires:

05-19-2025



THE STATE OF SOUTH CAROLINA
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APPEAL FROM DORCHESTER COUNTY OF COMMON PLEAS

The Hon. Kristi Lee Harrington, Circuit Court Judge

Case No.: 13-CP-18-0546

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William McFarland,)
)
 Appellant,)
)
 v.)
)
 Sofia Mazell, Michael Mazell,)
 Pierceton Mazell, and Faith Mazell,)
)
 Respondents.)

**MEMORANDUM OF LAW IN SUPPORT OF RESPONDENTS' MOTION
TO RECOVER AN AWARD OF COSTS AGAINST APPELLANT**

Respondents Sofia Mazell, Michael Mazell, Pierceton Mazell and Faith Mazell ("Respondents"), by their attorney, William B. Jung, Esq., submit this Memorandum in support of their motion pursuant to Rules 222(b) and Rule 226(j) of the South Carolina Rules of Appellate Procedure to recover an award of costs, including attorney's fees, following this Court's dismissal of Appellant's Appeal and the Supreme Court's denial of Appellant's Petition for a Writ of Certiorari.

Appellate Court Rule 222(b) of the South Carolina Rules of Appellate Procedure provides that a respondent is entitled to recover costs when the Court of Appeals dismisses an appeal. *Id.* By Order dated August, 19, 2015, this Court

dismissed the Appellant's Appeal. By Order dated September 17, 2015, this Court denied Appellant's Petition for Rehearing.

Appellate Court Rule 226(j) provides that "costs shall be assessed against the appellant if the decision of the Supreme Court has the effect of affirming the judgment of the lower court or tribunal which was reviewed by the Court of Appeals." *Id.* By Order dated March 25, 2016, the Supreme Court denied Respondent's Petition for a Writ of Certiorari. On April 13, 2016, this Court issued a Remittur to the Clerk of Court for the Dorchester County Court of Common Pleas.

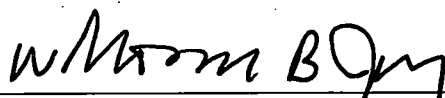
As set forth in the attached affidavit of William B. Jung, Esq, Respondents incurred the following costs: (1) \$101.18 in printing the Respondents' Final Brief. In addition, the respondents seek recovery of attorney's fees of \$2,000.00. These are all authorized costs under Rules 222(b) and 226(j) of the South Carolina Rules of Appellate Procedure, and Respondents respectfully submit that the gross sum of \$2,101.18 in costs be taxed against the Appellant and in favor of the Respondents.

Conclusion

For the foregoing reasons, Respondents respectfully requests that \$2,101.18 in costs be assessed against Appellant and in favor of Respondents as provided in Rules 222(b) and 226(j) of the South Carolina Rules of Appellate Procedure.

Dated: Mount Pleasant, S.C.
April 19, 2016

WILLIAM B. JUNG, ESQ.



William B. Jung, Esq. (#068788)
1156 Bowman Road, Ste. 200
Mount Pleasant, S.C. 29464
(843) 576-4200

Attorney for the Respondents

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM DORCHESTER COUNTY OF COMMON PLEAS

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William McFarland, Appellant,

v.

Sofia Mazell, Michael Mazell, Pierceton Mazell, and Faith Mazell, Respondents.

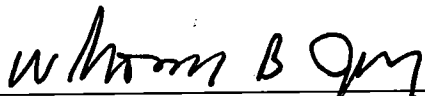
PROOF OF SERVICE OF MOTION TO TAX COSTS

I, William B. Jung, Esq., counsel for the respondents, certify under penalty of perjury that on April 19, 2016, I served a copy of respondents' Motion to tax costs and an attorney's fee against appellant by mailing a true copies thereof to counsel for the appellant in an envelope, first class postage paid, addressed to appellant's counsel:

Amanda R. Maybank, Esq.
Maybank Law Firm
P.O. Box 12579
Charleston, S.C. 29422

Jason Daigle, Esq.
Young Clement Rivers
25 Calhoun Street, Ste. 400
Charleston, S.C. 29401

Dated: April 19, 2016


William B. Jung, Esq. (#0068788)
1156 Bowman Road, Ste. 200
Mount Pleasant, S.C. 29464
(843) 576-4200

Attorney for Respondents

EXHIBIT "1"

PLC
PROLEGAL COPIES

Charleston

INVOICE

Date	Invoice #
6/13/2014	CHS135885

Bill To
Brad Jung WILLIAM B. JUNG ATTORNEY AT LAW Bowman Center 1156 Bowman Road, Ste. 200 Mount Pleasant, SC 29464

Job #: CHS8015

Client Ref. #	Terms	Rep	Ordered By
Mazell	Net 30	CDavis	Brad Jung

Description	Qty	Rate	Amount
Copying:Legal Brief Copies	375	\$0.110	\$41.25T
Binding:Card Covers	18	\$1.000	\$18.00T
Binding:Spiral Bind 1 in.	17	\$2.000	\$34.00T

Unless written notice to the contrary is given to ProLegal Copies, Inc. within 7 days of the receipt of invoice, all services delivered to customer are deemed to have been performed in a satisfactory manner and are accepted by customer.

Send only your payment to the payment address indicated on this invoice. All payments are due within your terms upon receipt of this invoice. All late payments may be subject to finance charges or other late charge fees assessable against you; provided, however, that such amount shall automatically reduced to the maximum amount permitted by law if such amount is deemed to be usurious or unlawful. If payments are not received within your terms after invoiced, financing charges and/or late fees may begin to accrue at our option. Please be advised that the person or entity indicated in the Bill To block of this invoice (i.e. you) is/are responsible for any and all payments herein referenced, irrespective of whether such amounts are ultimately posted to the account of your client or other third party.

Subtotal:	\$93.25
Sales Tax(0.085):	\$7.93
Total:	\$101.18

Customer Signature: *[Signature]* Date: *6/12/14*

Tax ID Number:
57-1051795

Please Remit All Payments to: ProLegal Copies, Inc. 519 East Bay Street, Charleston, SC 29403

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SC Court of Appeals

William McFarland,

Appellant,

v.

Sofia Mazell, Michael Mazell,
Pierceton Mazell, and Faith Mazell,

Respondents.

The Appellate Court is requested to tax the following costs against the Appellant:
William McFarland:

COSTS TAXABLE UNDER RULE 222, SCACR	NO. OF PAGES	RATE	REQUESTED	ALLOWED
Cost of Printing Final Brief	375	.110	\$41.25	
Costs of Binding Covers and Spiral Bindings	35	1.485	\$52.00	
Attorney Fee Provided By Rule 222(b), SCARC		\$1,000.00	\$1,000.00	
Attorney Fee Provided By Rule 226(j), SCARC		\$1,000.00	\$1,000.00	
Other: Sales Tax on Printing Costs:			\$7.93	
TOTAL:			\$2,101.18	

CERTIFICATION

I, William B. Jung, Esq., do swear or affirm that the foregoing costs are correct and were necessary incurred in this action. A copy of this statement was mailed to and served upon opposing counsel.

William B Jung
Attorney for the Respondents

Sworn to before me this 19th
day of April, 2016.

Lee W. Staley
Notary Public for South Carolina

My Commission Expires: 05-19-2025

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APR 22 2016

SC Court of Appeals

WILLIAM B. JUNG, ESQ.
BOWMAN CENTER
1156 BOWMAN ROAD, STE. 200
MOUNT PLEASANT, S.C. 29464
PHONE (843) 576-4200
FAX (855) 319-2736
EMAIL: bradjung@msn.com
WEBSITE: bradjungattorney.com

ADMITTED
SOUTH CAROLINA
NEW YORK

April 19, 2016

RECEIVED

APR 22 2016

SC Court of Appeals

The Hon. Jenny Abbott Kitchings
Clerk of Court
S.C. Court of Appeals
1220 Senate Street
P.O. Box 11629
Columbia, S.C. 29211

Re: William McFarland v. Sofia Mazell, et al.
Appellate Case No.: 2014-000141

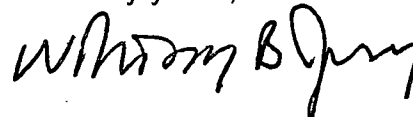
Dear Madame Clerk:

I represent the respondents Sofia Mazell, Michael Mazell, Pierceton Mazell and Faith Mazell on the above appeal.

I am writing to file Respondents' Motion to assess for costs and attorney's fees against the Appellant. An original and 6 copies of the Motion with supporting affidavit and memorandum are enclosed. A proof of service is attached to the Motion as is my check for \$25.00. Also enclosed are an original and six copies of the Cost Matrix with certification of counsel. I am mailing a copy of this letter and a copy of all of the enclosures to respondent's counsels noted below.

Please file the same. Thank you for your courtesy.

Sincerely yours,



William B. Jung

WBJ:wbj

Encl.

cc. Amanda Maybank, Esq.
Jason Daigle, Esq.



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WILLIAM B. JUNG, ESQ.
BOWMAN CENTER
1156 BOWMAN ROAD, STE. 200
MOUNT PLEASANT, S.C. 29464

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