

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

JUN 22 2016

SC Court of Appeals

The Honorable J. Derham Cole, Circuit Court Judge

Appellate Case No. 2016-000972

Norbert Breton and Claudette Breton,.....Appellants,

v.

Coral Resorts, LLC, Island Links Owners Association, Inc., Sunrise Vacation Properties, LTD, Reba Management, Inc., Sherri J. Smith, Frieda McKinney, and Robert Lauderman.....Respondents.

REPLY

Respondents Coral Resorts, LLC, Island Links Owners Association, Inc., and Reba Management, Inc., respectfully submit their Reply to Appellants' Return in Opposition to Respondents' Motion for Costs.

Pursuant to Rule 222, SCACR, the Court taxes costs "against the appellant when the appeal is dismissed or judgment on appeal is affirmed." (emphasis added). Rule 222(b), SCACR, provides that a party entitled to costs under the rule "shall be entitled to recover an attorney's fee in an amount which shall be set by order of the Supreme Court." By order dated July 24, 1997, the amount of the attorney's fee set forth in Rule 222(b), SCACR, was set at \$1,000.00. Rule 222, SCACR, does not require a party seeking costs upon the dismissal of an appeal to provide the Court with an itemized detail regarding attorney's fees being sought, as that amount is set by court order.

Although Appellants contend that the Court's dismissal of this matter should relieve them from paying costs under Rule 222, SCACR, Appellants cite no authority whatsoever in support of said contention. Appellants' failure to cite any authority in support of their conclusory argument renders said argument abandoned. *Savannah Bank, N.A. v. Stalliard*, 400 S.C. 246, 254 n.3, 734 S.E.2d 161, 164 n.3 (2012) Appellants appealed the circuit court's order appointing an arbitrator, an interlocutory order that was not immediately appealable. As such, this Court dismissed Appellants' appeal. Rule 222, SCACR, does not differentiate between appeals that are dismissed following a motion versus those that are dismissed *sua sponte*. Instead, the Rule states, "Unless otherwise ordered by the appellate court or agreed to by the parties, costs shall be taxed against the appellant when the appeal is dismissed or judgment on appeal is affirmed." Here, the Court has not ordered otherwise and the parties have not made any agreements regarding the taxing of costs. Accordingly, this Court should grant Appellants' Motion for Costs and order Appellants to pay \$1,000.00 in attorney's fees, in accordance with Rule 222, SCACR.

Respectfully submitted,

[Signature on following page.]


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Columbia, South Carolina
June 9, 2016

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June 9, 2016

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v.

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PROOF OF SERVICE

I do hereby certify I have served a copy of the following as indicated herein below, by mailing a copy of the following documents by first class U.S. Mail postage pre-paid on the date below to the following:

DOCUMENTS SERVED: REPLY

PARTIES SERVED:

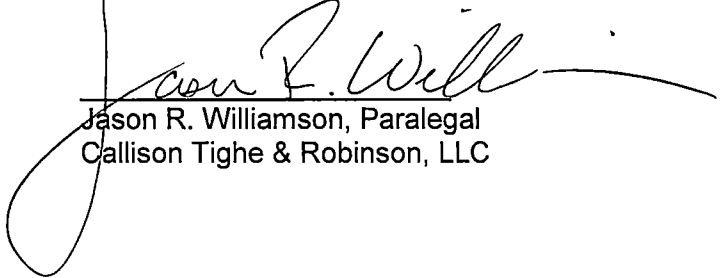
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June 20, 2016

Via First Class U.S. Mail

The Honorable Jenny Abbott Kitchings
Clerk of Court South Carolina Court of Appeals
PO Box 11629
Columbia, South Carolina 29211

RECEIVED
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SC Court of Appeals

**Re: Norbert Breton and Claudette Breton v. Coral Resorts, LLC; Sunrise
Vacation Properties, Ltd., Island Links Owners Association, Inc., Reba
Management, Inc., Sherri J. Smith, Frieda McKinney, and Rob Lauderman
C/A No. 2014-CP-07-0370
Our File No.: 5387.145**

Dear Ms. Kitchings:

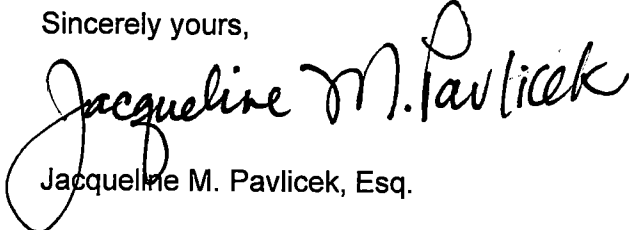
Enclosed please find the original and one copy of Respondents Coral Resorts, LLC, Island Links Owners Association, Inc., and Reba Management, Inc.'s Reply to Appellants' Return in opposition to Respondents' Motion for Costs and the Proof of Service in the above-referenced matter. Please file the original, clock in the copy and return it to me using the self-addressed envelope provided herein.

By copy of this letter, I am serving the enclosed document on the other parties through their counsel of record.

If you should have any questions, please contact me at your earliest convenience.

With warm personal regards, I am

Sincerely yours,


Jacqueline M. Pavlicek, Esq.

JMP/jrw
Enclosures

cc: Thornwell F. Sowell, III, Esq. (w/encls.)
Bess Jones DuRant, Esq. (w/encls.)

The Honorable Jenny Abbott Kitchings

June 20, 2016

Page 2

cc: H. Cooper Wilson, III, Esq. (w/encls.)
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Kathleen McDaniel, Esq. (w/o encls.)
Joseph DuBois, Esq. (w/ encls.)
Zach S. Naert, Esq. (w/encls.)

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