

IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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JUL 29 2016

SC Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Benjamin H. Culbertson, Circuit Court Judge

Case No. 2015-000641

Tammy Vance and David Montorio, on behalf of themselves
and all others similarly situated Respondents

v.

Horry Electric Cooperative Appellant

Nate Fata
Nate Fata, P.A.
Post Office Box 16620
1500 U.S. Hwy. 17 North
The Courtyard, Suite 215
Surfside Beach, SC 29587
(843) 238-2676

T. Christopher Tuck
James L. Ward, Jr.
Catherine H. McElveen
Richardson, Patrick, Westbrook &
Brickman, LLC
1037 Chuck Dawley Blvd., Bldg. A
Mount Pleasant, SC 29464
(843) 727-6500

Attorneys for Respondents

REPLY IN FURTHER SUPPORT OF MOTION FOR COSTS

Respondents Tammy Vance and David Montorio, on behalf of themselves and all others similarly situated, hereby submit this reply in further support of their motion for an award of costs and attorneys' fees pursuant to Rule 222, SCACR.

Defendant-Appellant Horry Electric Cooperative ("Horry Electric") filed a Return to Respondents' motion for costs and attorneys' fees,¹ arguing that this Court should not award attorneys' fees as provided by Rule 222(b), SCACR, because no attorneys' fees were "actually incurred" and because Respondents do not have an obligation to pay any fees to their attorneys. Horry Electric misconstrues Rule 222(b), SCACR.

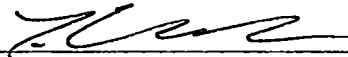
Under the plain language of Rule 222(b), SCACR, a party is entitled to recover certain costs, such as filing fees and printing expenses, to the extent that they are actually incurred by the party. The rule continues, "In addition, the party shall be entitled to recover an attorney's fee in an amount which shall be set by order of the Supreme Court." Rule 222(b), SCACR (emphasis added). "By order dated July 24, 1997, the amount of attorney's fee was set at \$1,000." *Id.* at n.1. Accordingly, Respondents shall be entitled to recover attorneys' fees in the amount of \$1,000.

¹ Horry Electric failed to file the requisite certificate of service with its Return. *See* Rule 240(c)(1). Horry Electric's cover letter and Return was dated July 21, 2016, and provided that three of the four attorneys that represent Respondents would be served a copy. Counsel for Horry Electric only served a copy on Mr. Tuck and Mr. Fata. Further, the envelope in which the Return was mailed was postmarked July 22, 2016. Because service is completed upon mailing, *see* Rule 262(b), SCACR, Respondents' deadline for filing this Reply should be extended to Friday, July 29, 2016.

The Appellate Court is respectfully requested to tax costs in the amount of \$1,133.65, representing the cost of printing and copying the Respondents' Final Brief, and attorneys' fees provided by Rule 222(b), SCACR, against Horry Electric.

Dated: July 28, 2016

Respectfully submitted,



T. Christopher Tuck
James L. Ward, Jr.
Catherine H. McElveen
Richardson, Patrick, Westbrook &
Brickman, LLC
1037 Chuck Dawley Blvd., Bldg. A
Mount Pleasant, SC 29464

Nate Fata
Nate Fata, P.A.
Post Office Box 16620
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Attorneys for Respondents

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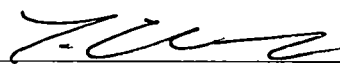
PROOF OF SERVICE

I, T. Christopher Tuck, of Richardson, Patrick, Westbrook, Westbrook & Brickman, LLC, hereby certify that I have served Pope D. Johnson, III, attorney for the Appellant, with the following documents by mailing a true and correct copy of same, postage prepaid and return address indicated, to the following address on July 28, 2016.

Pope D. Johnson, III
Attorney at Law
1230 Richland Street
Columbia, SC 29201

DOCUMENTS:

Respondents' Reply in Further Support of Motion for Costs



T. Christopher Tuck

RPWB

RICHARDSON, PATRICK, LLC
WESTBROOK & BRICKMAN LLC

Jena L. Borden (IL & MO only) • James C. Bradley • Michael J. Brickman • Nina Fields Britt
Elizabeth Middleton Burke • J. David Butler • Aaron R. Dias • D. Charles Dukes
Jerry Hudson Evans • H. Blair-Hahn • Gregory A. Lofstead • Christiaan A. Marcum
Katie McElveen • Christopher J. Moore • Matthew A. Nickles • Karl E. Novak
Misty Black O'Neal • Kimberly Keevers Palmer • Charles W. Patrick, Jr.
Terry E. Richardson, Jr. • Thomas D. Rogers • A. Hoyt Rowell, III • T. Christopher Tuck
James L. Ward, Jr. • Kenneth J. Wilson • Robert S. Wood
Of Counsel: Gordon C. Rhea (CA, DC & USVI only) • Daniel S. Haltiwanger • Brady R. Thomas
Edward J. Westbrook

T. CHRISTOPHER TUCK
843.727.6515 Direct
843.216.6509 Fax
ctuck@rpwb.com

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SC Court of Appeals

July 28, 2016

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Clerk of Court
South Carolina Court of Appeals
1220 South Senate Street
Columbia, SC 29201

Re: *Vance v. Horry Electric Cooperative*
Case No.: 2015-000641

Dear Clerk of Court:

Enclosed for filing in the above-referenced matter, please find the original and seven (7) copies of Respondents' Reply in Further Support of Motion for Costs and Proof of Service. Please file the original and return the additional stamped copy to my attention in the enclosed, self-addressed, postage paid envelope.

Thank you in advance for your assistance.

Sincerely,



T. Christopher Tuck

cc: All Counsel of Record

Extremely Urgent

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BARBARA CARTER
8437276524
RICHARDSON, PATRICK WESTBROOK A
1037 CHUCK DAWLEY BLVD
MOUNT PLEASANT SC 29464

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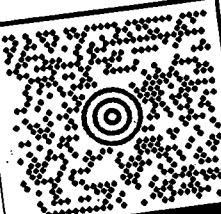
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