

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM CHESTER COUNTY  
Court of Common Pleas

**RECEIVED**

Brian M. Gibbons, Circuit Court Judge

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OCT 10 2016

SC Court of Appeals

Appellate Case No. 2015-002558

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Chris N. Domnick ..... Respondent,

v.

Frank Leroy Domnick, Jr. and Shelly L. Domnick ..... Appellants.

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**INITIAL REPLY BRIEF OF RESPONDENT**

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**ATTORNEY FOR RESPONDENT**

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**RESPONDENT'S INITIAL BRIEF**

\_\_\_\_\_

**STATEMENT OF ISSUES ON APPEAL**

- I. Was the Circuit Court presented with sufficient evidence to apply the required factors for an award of attorneys' fees?

## STATEMENT OF THE CASE

Respondent is satisfied with Appellants' statement of the case.

### ARGUMENTS

I. Appellant failed to preserve its argument for appellate review.

There is no evidence in the Record that Appellants' counsel ever objected to the award of attorneys' fees because of insufficient evidence of "time necessarily devoted to the action." At trial Counsel's objection was to the reasonableness of the fees. And after receiving a copy of the Final Order, Appellants never raised the issue.

II. There is ample evidence in the record to support all of the required factors for awarding attorneys' fees, including the factor of "time necessarily devoted to the action."

Even if this Court were to consider the argument for review, there is ample evidence in the record to support the award. Despite Appellants' assertion to the contrary, Plaintiff's Trial Exhibit No. 19 contains ample evidence of the time necessarily devoted to the case. (R. \_\_\_\_). This 19-page exhibit details the 127 hours spent on this case and over \$600 in expenses. This exhibit includes a statement of all work done by each attorney or paralegal, the time spent on that work, and the charge for that work. Furthermore, Respondent testified that he had received those charge; that he was obligated to pay all of those charges; and that he had already paid approximately \$13,000 in attorney's fees. (R. \_\_\_\_).

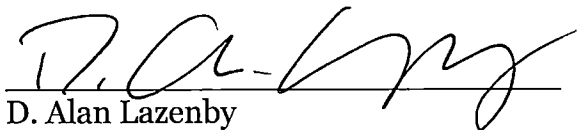
Significantly, Respondent sought \$22,479.00 in fees and expenses; however, the trial court reduced that amount to \$17,000. Therefore, the trial court did consider and disallow some of the claimed attorney's fees.

III. Affirmance for any ground included in the Record on Appeal.

Pursuant to Rule 220(c), SCRAP, Respondent also requests that this Court affirm the Final Order for any reason contained in the Record on Appeal.

**CONCLUSION**

For the reasons stated, this Court should affirm the judgment of the trial court. Additionally, Respondent agrees that Appellant Shelly L. Domnick should be removed from this Appeal since there was no judgment entered against her.



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October 3, 2016

**ATTORNEY FOR RESPONDENT**

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Chris N. Domnick ..... Respondent,

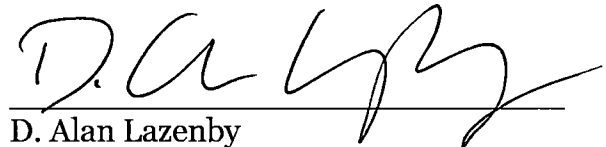
v.

Frank Leroy Domnick, Jr. and Shelly L. Domnick ..... Appellants.

**PROOF OF SERVICE**

I, the undersigned, hereby certify the Initial Reply Brief of Respondent in the above referenced matter was mailed, postage prepaid, to Appellant's Counsel, John Martin Foster, on October 3, 2016 as follows:

**John Martin Foster, Esq.**  
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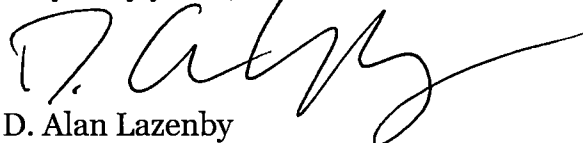
The Honorable Jenny Abbott Kitchings  
SC Court of Appeals Clerk  
PO Box 11629  
Columbia, SC 29211

**Re: Chris N. Domnick v. Frank L. Domnick Jr. and Shelly Domnick**  
**Appellant C.A. No: 2015-002558**

Dear Ms. Kitchings:

Enclosed for filing is an original and one copy of the Initial Reply Brief of Respondent in the above case. I also include a Proof of Service certifying service of these documents upon Fred Suggs, Esq. Please file the original and send a clocked copy back to me in the envelope I have enclosed for your convenience. I appreciate your assistance in this regard.

Very truly yours,



D. Alan Lazenby  
[alan@lazenbylawfirm.com](mailto:alan@lazenbylawfirm.com)

DAL: je

Enclosures

cc: John Martin Foster, Esq.

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SC Court of Appeals



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