

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SUMTER COUNTY
Clifton Newman, Circuit Court Judge

Opinion No. 2015-UP-395
(S.C. Ct. App. filed August 12, 2015)

RECEIVED
OCT 13 2016
SC Court of Appeals

Brandon W. Hodge, Appellant,

v.

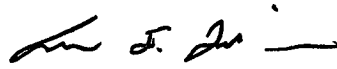
Sumter County, Respondent.

MOTION FOR COSTS ON APPEAL

The Respondent Sumter County, moves this Court, pursuant to Rule 222(d), SCACR, to tax costs on appeal in the amount of \$1,092.97 against the Appellant Brandon W. Hodge.

The requested costs on appeal are set forth in the Statement of Costs on Appeal which is filed herewith.

DAVIDSON & LINDEMANN, P.A.

BY:  _____

ANDREW F. LINDEMANN
1611 Devonshire Drive
Post Office Box 8568
Columbia, South Carolina 29202
(803) 806-8222

Counsel for Respondent

Columbia, South Carolina

October 13, 2016

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**MEMORANDUM IN SUPPORT OF
MOTION FOR COSTS ON APPEAL**

On August 12, 2015, the South Carolina Court of Appeals issued an unpublished decision affirming the Circuit Court's granting of the Respondent Sumter County's motion to dismiss. The Appellant filed a petition for rehearing which was denied on October 23, 2015.

The Appellant then filed a petition for writ of certiorari with the South Carolina Supreme Court. That petition was denied by Order dated September 21,

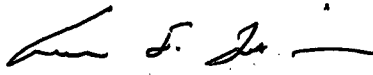
2016. The Remittitur was then issued by this Court on September 28, 2016. In sum, the Respondent Sumter County prevailed on appeal.

Rule 222(a), SCACR, provides that "costs shall be taxed against appellant when the appeal is dismissed or judgment on appeal is affirmed." See, Rule 222(a), SCACR. Therefore, as a prevailing party, the Respondent Sumter County is entitled to an award of costs on appeal in accordance with Rule 222(b), SCACR, which includes the costs of the court reporter's transcript and the printing of the final brief. The Respondent Sumter County is also entitled to attorneys' fees in the amount of \$1,000.00, which is an amount set by order of the Supreme Court.

As a result, the Respondent Sumter County moves this Court, pursuant to Rule 222(d), SCACR, for costs on appeal in the amount of \$1,092.97. The requested costs on appeal are set forth in the Statement of Costs on Appeal, which is also filed herewith.

Respectfully submitted,

DAVIDSON & LINDEMANN, P.A.

BY: 

ANDREW F. LINDEMANN
1611 Devonshire Drive
Post Office Box 8568
Columbia, South Carolina 29202
(803) 806-8222

Counsel for Respondent

Columbia, South Carolina
October 13, 2016

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Brandon W. Hodge,)
)
 Appellant,)
)
 v.)
)
 Sumter County,)
)
 Respondent.)
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STATEMENT OF COSTS ON APPEAL

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SC Court of Appeals

The Clerk of the South Carolina Court of Appeals is requested to tax the following costs against the Appellant Brandon W. Hodge:

COSTS AND FEES TAXABLE UNDER RULE 222(d), SCACR	NO. OF PAGES	RATE	REQUESTED	ALLOWED <small>(For Court use only)</small>
----- Cost of Printing Final Brief:			\$ 75.72	
----- Attorney's Fee Provided By Rule 222(b), SCACR			\$1,000.00	
----- Other (specify and explain): Motion to Dismiss Hearing Transcript			\$ 17.25	
			TOTAL	\$1,092.97

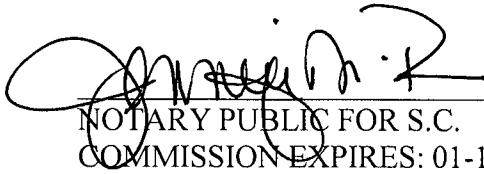
I, Andrew F. Lindemann, do swear that the foregoing costs are correct and were necessarily incurred in this action. A copy of this statement was served upon the Appellant's counsel by first class mail.



ANDREW F. LINDEMANN

Counsel for Respondent

SWORN TO BEFORE ME THIS 13th
DAY OF OCTOBER 2016.



(SEAL)
NOTARY PUBLIC FOR S.C.
COMMISSION EXPIRES: 01-13-2020

Approved: _____
CLERK

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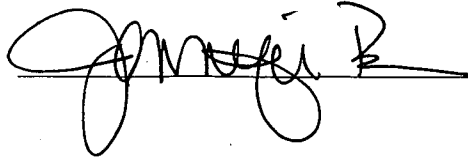
Sumter County, Respondent.

CERTIFICATE OF SERVICE

The undersigned employee of Davidson & Lindemann, P.A., counsel for the Respondent, does hereby certify that service of the below listed documents in the above-captioned matter was made upon all counsel of record by placing copies in the United States Mail, first class postage prepaid, at the below listed address clearly indicated on said envelope this the 13th day of October 2016:

1. Motion for Costs on Appeal
2. Memorandum in Support of Motion for Costs on Appeal
3. Statement of Costs on Appeal

Gary L. Cartee, Esquire
3251 Landmark Drive - Suite 136
North Charleston, South Carolina 29418.



DAVIDSON & LINDEMANN, P.A.

ATTORNEYS AND COUNSELLORS AT LAW

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October 13, 2016

Daniel C. Plyler
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David A. DeMasters
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Jasmine D. Wyman

*Also Admitted In North Carolina
†Certified Mediator

Of Counsel
Kenneth P. Woodington

Writer's Email: alindemann@dml-law.com

Hand Delivered

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

RE: Brandon W. Hodge v. Sumter County
SCCA Number: 2013-01845
Civil Action Number: 2012-CP-43-1463
Claim Number: 5187
Our File Number: 290.9100

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Dear Ms. Kitchings:

Please find enclosed for filing the originals and one copy each of the below listed documents in the above referenced matter.

1. Motion for Costs on Appeal
2. Memorandum in Support of Motion for Costs on Appeal
3. Statement of Costs on Appeal

Please file the original and return a clocked-in copy of each document to me by way of my courier. I have also enclosed my firm's \$25.00 check for the filing fee.

By copy of this letter, I am serving copies on all counsel of record. Thank you for your assistance in this matter.

The Honorable Jenny Abbott Kitchings
October 13, 2016
Page Two

Sincerely,

DAVIDSON & LINDEMANN, P.A.



Andrew F. Lindemann

AFL/jmb
Enclosures

cc: (w/ Enclosures)

Gary L. Cartee, Esquire
3251 Landmark Drive - Suite 136
North Charleston, South Carolina 29418