

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
COURT OF COMMON PLEAS

D. Craig Brown, Circuit Court Judge

Court of Appeals Case No. 2013-002578
Beaufort Case No. 2012-CP-07-1352

Bruce R. Hoffman,

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SC Court of Appeals

Appellant,

v.

Seneca Specialty Insurance Company; CRC Insurance Company; CRC Insurance Services, Inc. d/b/a Southern Cross Underwriters of Sumter; Aydlette Services of Lowcountry, Inc.; and Capstone ISG, Inc.,

Defendants,

Of whom Seneca Specialty Insurance Company is the Respondent.

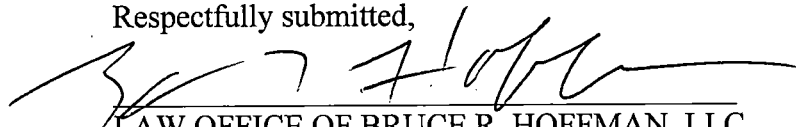
APPELLANT'S RETURN TO RESPONDENT'S MOTION FOR COSTS

The remittitur in this appeal was issued by the Court on October 19, 2016. Not until November 3, 2016, as part of its Motion for Costs under Rule 222, did Respondent file an itemized statement of the costs and attorney fees it is now seeking. Pursuant to such authority as Austin v Stokes-Craven Holding Corp., 750 SE2d 78 (2013) and Muller v Myrtle Beach Golf & Yacht Club, 438 SE2d 248 (1993), a party waives the right to recover appellate costs and attorney fees under Rule 222 if it fails to file an itemized statement of such costs and fees *prior to* the Court's issuance of the remittitur. Also, as there was no oral argument in this appeal and Respondent designated irrelevant matter, their request for fees and costs under Rule 222 would be excessive, and subject to being eliminated or reduced, even if the itemized statement had been filed timely (nor is the copying costs or postage they requested allowed in any event). For all these

reasons, Respondent must be held to have waived appellate attorney fees and costs, or the appellate attorney fees and costs requested must be eliminated or reduced as excessive or otherwise.

Dated: November 7, 2016

Respectfully submitted,



LAW OFFICE OF BRUCE R. HOFFMAN, LLC
BRUCE R. HOFFMAN, Attorney for Appellant
574 Sea Island Parkway
Saint Helena Island, SC 29920-4205
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CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this pleading in the above entitled action upon all other parties to this cause by depositing a copy hereof, postage paid, in the United States mail addressed to the attorney or attorneys for said parties.

This 7 day of November, 2016
By Bruce R. Hoffman

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TRANSMITTAL COVER SHEET

Date: November 7, 2016

Clerk, South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211

RE: Bruce R. Hoffman v. Seneca Specialty Insurance Company; Case No. 2013-002578

Dear Clerk:

Enclosed for filing is the original, plus 7 copies, of Appellant's Return to Respondent's Motion for Costs, including Certificate of Service of same on opposing counsel. Kindly clock and return one copy to me in the enclosed self-addressed stamped envelope. Thank you.

With kind regards,


BRUCE R. HOFFMAN

LAW OFFICE OF
BRUCE R. HOFFMAN, LLC
574 SEA ISLAND PARKWAY
SAINT HELENA ISLAND, SC 29920-4205



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