

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Joseph M. Strickland, Special Circuit Court Judge

Circuit Court Case No. 2010-CP-40-1249
S.C. Court of Appeals Case No. 2013-001581
Unpublished Opinion No. 2015-UP-201, Filed April 15, 2015

James W. Trexler,

Petitioner,

v.

The Associated Press;
Barrington Broadcasting
South Carolina Corp.;
Raycom TV Broadcasting,
Inc.; The Spartanburg Herald
Journal, Inc.; and The Pacific
& Southern Co., Inc.,

Respondents.

RECEIVED
NOV 10 2016
S.C. SUPREME COURT

PETITIONER'S OPPOSITION TO MOTION FOR COSTS

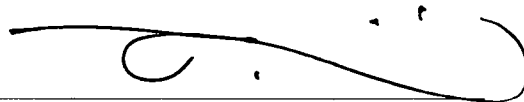
COMES NOW, Petitioner James W. Trexler, and pursuant to Rule 242(j)(4), SCRAP, files his Return in opposition to Respondents' Motion for Costs on the following grounds: 1) this Court dismissed its grant of certiorari as improvidently granted; and 2) the costs Respondents request for printing is excessive.

The Court has discretion whether to award fees and costs under Rule 222, see Rule 222(a), (e), SCACR; see also Austin v. Stokes-Craven Holding Corp., 406 S.C. 187, 199, 750 S.E.2d 78, 84 (2013), and under Rule 242(j), SCRAP. An appeal "dismissed as

improvidently granted” is treated as if the Court had never granted certiorari in the first place. If the Court had not granted Petitioner certiorari in the first place, neither he nor Respondents would have incurred the costs Respondents now seek from Petitioner. If Petitioner’s appeal is to be treated as if the Court had never granted certiorari, then all or none of the parties should be entitled to their costs as allowed under Rule 242(j), pertaining here to printing costs and attorney’s fees associated with the appeal in the Supreme Court.

Further, Petitioner opposes as exorbitant Respondents’ statement of their cost for printing their final brief submitted in the Court of Appeals, and should the Court grant Respondent’s Motion for Costs, in whole or in part, Petitioner requests the Court reduce such award by half of the stated printing costs.

Respectfully submitted,



William H. Johnson
Law Offices of William H. Johnson, LLC
411 North Brooks Street
Post Office Box 137
Manning, South Carolina 29102
(803) 435-0909 (telephone)
(803) 435-2858 (facsimile)

-and-

W. Westbrook Wills III
Attorney at Law
38 Broad Street
Suite 200
Charleston, SC 29401
(843) 805-6300 (telephone)
(843) 278- 9333 (facsimile)

-and-

Matthew D. Hamrick
Attorney at Law
1524 Ashley River Rd.
Charleston, SC 29407
(843) 693-4700 (telephone)
(877) 524-5023 (facsimile)
ATTORNEYS FOR APPELLANT

Other counsel of record:

Jay Bender
Baker, Ravenel & Bender LLP
Post Office Box 8057
Columbia, South Carolina 29202
(803) 799-9091 (telephone)
(803) 779-3423
ATTORNEY FOR RESPONDENTS

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Joseph M. Strickland, Special Circuit Court Judge

Circuit Court Case No. 2010-CP-40-1249
S.C. Court of Appeals Case No. 2013-001581
Unpublished Opinion No. 2015-UP-201, Filed April 15, 2015

James W. Trexler,

Petitioner,

v.


The Associated Press;
Barrington Broadcasting
South Carolina Corp.;
Raycom TV Broadcasting,
Inc.; The Spartanburg Herald
Journal, Inc.; and The Pacific
& Southern Co., Inc.,

Respondents.

PROOF OF SERVICE

I certify that I have served Petitioner's Opposition to Motion for Costs upon The Associated Press; Barrington Broadcasting South Carolina Corp.; Raycom TV Broadcasting, Inc.; The Spartanburg Herald Journal, Inc.; and The Pacific & Southern Co., Inc., by depositing a copy of each of these documents in the United States Mail, postage prepaid, on November 4, 2016, addressed to their attorneys of record, Jay Bender, Baker, Ravenel & Bender LLP, Post Office Box 8057, Columbia, South Carolina 29202.

[Signature on following page]



William H. Johnson
Law Offices of William H. Johnson, LLC
411 North Brooks Street
Post Office Box 137
Manning, South Carolina 29102
(803) 435-0909 (telephone)
(803) 435-2858 (facsimile)

-and-

W. Westbrook Wills III
Attorney at Law
38 Broad Street
Suite 200
Charleston, SC 29401
(843) 805-6300 (telephone)
(843) 278- 9333 (facsimile)

-and-

Matthew D. Hamrick
Attorney at Law
1524 Ashley River Rd.
Charleston, SC 29407
(843) 693-4700 (telephone)
(877) 524-5023 (facsimile)
ATTORNEYS FOR PETITIONER

Other counsel of record:

Jay Bender
Baker, Ravenel & Bender LLP
Post Office Box 8057
Columbia, South Carolina 29202
(803) 799-9091 (telephone)
(803) 779-3423
ATTORNEY FOR RESPONDENTS