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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas

APR 18 2017

SC Court of Appeals

Edgar W. Dickson, Circuit Court Judge

Case No. 2011-CP-38-1397

William Breland, Respondent,

v.

South Carolina Department of Transportation, Appellant.

MOTION FOR COSTS

Pursuant to Rule 222 of the South Carolina Appellate Court Rules, Respondent, requests that the costs of this appeal be taxed against South Carolina Department of Transportation, who was the appellant.

Rule 222(a) provides that unless the court orders otherwise or the parties agree otherwise, costs shall be taxed against the appellant when the appeal is dismissed or the judgment is affirmed. This Court's opinion affirmed the judgment of the circuit court on February 24, 2016, and issued the remittitur April 4, 2017. Because the Court has not ordered otherwise and the parties have not agreed otherwise, the rule provides the Court should award costs to Respondent.

In accordance with the instructions of Rule 222(d), an itemized statement of costs is attached to this motion.

Respectfully Submitted,



John S. Nichols, SC Bar # 4210

Blake A. Hewitt, SC Bar # 73674

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Attorneys for Respondent

April 18, 2017

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PROOF OF SERVICE

The undersigned hereby certifies that on the date indicated below she served counsel for the Appellant with a copy of the *Motion for Costs and Itemized Statement of Costs* by mailing copies of the same by United States Mail with first class postage prepaid to the following address:

Richard B. Ness
Alison D. Hood
Norma Anne Turner Jett
Adam C. Ness
NESS & JETT, LLC
P.O. Box 909
Bamberg, SC 29003



Erin Bridges

April 18, 2017



BLUESTEIN · NICHOLS · THOMPSON · DELGADO LLC
ATTORNEYS AT LAW

April 18, 2017

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VIA HAND DELIVERY

Honorable Jenny Kitchings
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: William Breland v. South Carolina Department of Transportation
Case Tracking No.: 2014-000168

Dear Ms. Kitchings:

Please find enclosed for filing the original and seven (7) copies of a *Motion for Costs and Itemized Statement of Costs* in reference to the above matter. I have also enclosed a proof of service of this document on counsel for the Appellant and a \$25.00 check for filing this motion. Please return the additional filed copy to me via our courier.

Thank you for your attention to this matter. If you need any additional information, please do not hesitate to contact me.

Sincerely,

Erin Bridges
Paralegal to John S. Nichols
BLUESTEIN, NICHOLS, THOMPSON &
DELGADO, LLC

/emb

Enclosures

cc: J. Christopher Wilson, Esquire
Richard B. Ness, Esquire
Alison D. Hood, Esquire
Norma Anne Turner Jett, Esquire
Adam C. Ness, Esquire