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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY
William P. Keesley, Circuit Court Judge

Appellate Case No. 2014-001511
Opinion No. 5478
(S.C. Ct. App. filed April 5, 2017)

RECEIVED

MAY 08 2017

SC Court of Appeals

Martha Lewin Argoe, Appellant,

v.

Three Rivers Behavioral Health, LLC and
Psychiatric Solutions, Inc., its successor;
Phyllis Bryant-Mobley, MD; David A. Steiner, MD;
Cheryl C. Dodds, MD; Doris Ann Burrell, RN and
the Carolina Care Plan, Respondents.

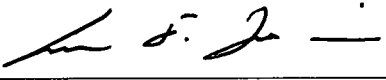
MOTION FOR COSTS ON APPEAL

The Respondent Phyllis Bryant-Mobley, M.D., moves this Court, pursuant to Rule 222(d), SCACR, to tax costs on appeal in the amount of \$1,190.35 against the Appellant Martha Lewin Argoe.

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

Respectfully submitted,

DAVIDSON & LINDEMANN, P.A.

BY:  _____

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

*Counsel for Respondent
Phyllis Bryant-Mobley, M.D.*

Columbia, South Carolina

May 8, 2017

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the Carolina Care Plan, Respondents.

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

On April 5, 2017, the South Carolina Court of Appeals issued a published decision affirming the Circuit Court's partial granting of the Respondent Phyllis Bryant-Mobley, M.D.'s motion for summary judgment. The Appellant did not file a petition for rehearing. The Remittitur was issued was April 21, 2017.

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 Phyllis Bryant-Mobley, M.D. is entitled to an award of costs on appeal in accordance with Rule 222(b), SCACR, which includes the cost of printing of the final brief and the costs of transcription of the motion hearing as charged by the court reporter. The Respondent Phyllis Bryant-Mobley, M.D. 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 Phyllis Bryant-Mobley, M.D. moves this Court, pursuant to Rule 222(d), SCACR, for costs on appeal in the amount of \$1,190.35. 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: 

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WILLIAM H. DAVIDSON, II
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*Counsel for Respondent
Phyllis Bryant-Mobley, M.D.*

Columbia, South Carolina
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THE STATE OF SOUTH CAROLINA
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Martha Lewin Argoe,)
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 Three Rivers Behavioral Health, LLC and)
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 Phyllis Bryant-Mobley, MD;)
 David A. Steiner, MD;)
 Cheryl C. Dodds, MD;)
 Doris Ann Burrell, RN and)
 the Carolina Care Plan,)
)
 Respondents.)
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Opinion No. 5478
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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 Martha Lewin Argoe:

COSTS AND FEES TAXABLE UNDER RULE 222(d), SCACR	NO. OF PAGES	RATE	REQUESTED	ALLOWED (For Court use only)
Cost of Printing Final Brief:			\$ 100.35	
Attorney's Fee Provided By Rule 222(b), SCACR			\$1,000.00	
Other (specify and explain): Motion for Summary Judgment Hearing Transcript			\$ 90.00	
		TOTAL	\$1,190.35	

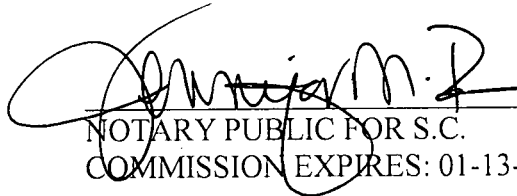
I, Andrew F. Lindemann, do swear that the foregoing costs are correct and were necessarily incurred in this action. A copy of this statement was served upon the Appellant's counsel by first class mail.



ANDREW F. LINDEMANN

*Counsel for Respondent
Phyllis Bryant-Mobley, M.D.*

SWORN TO BEFORE ME THIS 8th
DAY OF MAY 2017.



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



Jennifer M. Baker
NOTARY PUBLIC
State of South Carolina
My Commission Expires
January 13, 2020

Approved: _____
CLERK

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Cheryl C. Dodds, MD; Doris Ann Burrell, RN and
the Carolina Care Plan, Respondents.

CERTIFICATE OF SERVICE

The undersigned employee of Davidson & Lindemann, P.A., counsel for the Respondent Phyllis Bryant-Mobley, M.D., 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 8th day of May 2017:

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

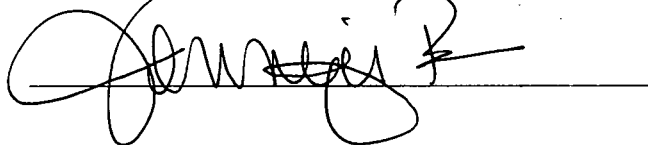
Robert D. Dodson, Esquire
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DAVIDSON & LINDEMANN, P.A.

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May 8, 2017

*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: Martha Lewin Argoe v. Three Rivers Behavioral Center, LLC, Phyllis Bryant-Mobley, MD, Aiken Regional Medical Center, David A. Steiner, MD, Cheryl C. Dodds, MD, Doris Ann Burrell, RN, and Carolina Care Plan
Appeal Tracking Number: 2014-001511
Civil Action Number: 2007-CP-32-1981
Claim Number: CB074518M
Our File Number: 22.7456

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.

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SC Court of Appeals

The Honorable Jenny Abbott Kitchings
May 8, 2017
Page Two

Sincerely,

DAVIDSON & LINDEMANN, P.A.



Andrew F. Lindemann

AFL/jmb
Enclosures

cc: (w/ Enclosures)

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