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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA ADMINISTRATIVE LAW COURT

Ralph King Anderson, III, Chief Administrative Law Judge

Francis Ackerman, #266928, Malik Aljalil, #219551,
Linso Allen, #269378, Michael Benninger, #264212,
Frederic Brown, #289602, Timothy Brown, #238461,
Terrell Buchanan, #277262, Christopher Buch, #200690,
Rudy Cassady, #238732, Sheldon Clark, #264772,
Zawaski Cobb, #187136, Kamathene Cooper, #145333,
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#300424, Vondell Sanders, #241308, James Sattler,
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#251957, Jerome Scott, #153381, Roosevelt Scott,
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James Bogan, #288111, Larry Burke, #281911, Jammie
Gaymon, #208922, David Harrell, #260004, Jeff Stinson,
#260047, Ricky Libby, #274681, Alain Lareua, #128014,
Quentin Baker, #297868, Frank Corley, #292975, James
Jackson, #267718, Quintin Linen, #238553, Thomas
Miles, #246763, Chauncy Orr, #177069, Isaiah Scott,

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#228008, Eric Youmous, #281091, Derek Carter,
#275938, Willie Hare, #256641, Ernest Miller, #235474,
Robert Norris, #266101, Ronald Simmons, #267937,
Samuel Simmons, #302393, William Thomas, #272501,
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#265682, Taurus Bowman, #252745, Kenneth Carter,
#243538, Calvin Drummond, #236322, David Feggins,
#287157, Terry Ferguson, #299080, Willie House,
#257820, Peter Jenkins, #257321, Percy Martin,
#270035, James Murray, #165487, Stephone Simmons,
#300422, Larry McClam, #282972, Tyrone Aiken,
#244428, Tyrone Aiken, #248367, Frank Anderson,
#282800, Ronald Brewer, #285756, Keith Brown,
#295762, Pete Bryant, #242370, Michael Busques,
#191961, Richard Butler, #162467, Gary Davis,
#106144, Anthony English, #238474, Kerlan Etheredge,
#236635, James Evans, #267837, Jose Flores, #240563,
Robert Garrett, #291096, Reginald Geddis, #183851,
Richard Graham, #228235, Gary Grooms, #283860,
Wayne Harlan, #245705, Johnny Hayes, #267910,
Steven Hickenbottom, #196263, Alfred Joyner, #260442,
Donald Lyles, #296135, Henry Baker, #263398, Thomas
Carter, #249362, Thomas Butler, #257552, Bobby
Williams, #261486, Ray Wells, #173651, Rodney
Pressley, #177947, Keith Kelly, #257556, Maxie
Gamble, #254413, James Enriquez, #215539, Perry
Deveaux, #109601, James Wells, #180458, Cedric
Martino, #291396, Donald McAteer, #292961, Robert
Wydman, #260331, Anthony Wright, #214007, Derrick

Williams, #272958, Kenneth White, #228409, James Trumper, #247429, Jeffrey Spears, #281697, Timothy Smith, #296539, Davis Sims, #278067, Virgil Simpson, #281888, Edward Simpson, #220017, Kenneth Simmons, #278911, George Shine, #292391, Ralph Sellers, #164295, Laron Richardson, #258786, Frank Patterson, #283098, Tony McNeil, #235864, Larry McClam, #282972, Lavanza Mack, #189340, Raymond Livingston, #277133, Nicholas Lambrose, #215080, Joseph Kelsey, #217218, Keith Eugene, no number, Chuck Jackson, #266425, James Foye, #211523, Timothy Inman, #151123, Marvin Gilbert, #273934, Demetrius Wheeling, #264976, Leon Wilson, #155867, Jeffrey Tevis, #216442, Darryel Beasley, #222388, Curtis Thompson, #266448, Baron Cobbs, #280479, James Tino, #145030, Harold Roberson, #117001, Ray Gadsen, #187527, Tony Witt, #242918, Jonathan Singleton, #287670, Joe Pannell, #89592, Charles Graham, #294453, Lazarus Brannon, #227847, Darrell Williams, #219730, Wilbert Mills, #244004, Howard Grant, #255473, Timothy Wilson, #261971, Rodney Elliott, #251337, Henry Rivers, #219118, Appellants,

v.

South Carolina Department of Corrections, Respondent.

Lower Court Case No. 2007-ALJ-04-0444-AP
Court of Appeals Appellate Case No. 2012-210588
Supreme Court Appellate Case No. 2016-000829

RESPONDENT'S RETURN TO APPELLANTS' MOTION FOR COSTS

The Appellants submitted their motion for costs to this Court on June 12, 2007, and the Clerk of Court acknowledged receipt of the Appellants' motion by a letter dated June 16, 2007. In accordance with the Clerk's June 16, 2017 letter, the Respondent, the South Carolina Department of Corrections ["SCDC"], respectfully submits, pursuant to SCACR 222(d) and 240, its instant return to the Appellants' motion.

I. OVERVIEW OF THE APPELLANTS' MOTION, SUPPORTING MEMORANDUM, AND SUPPORTING DOCUMENTATION

The Appellants moved this Court to tax costs against SCDC totaling \$10,183.72.¹ The Appellants provided an "Itemized Statement of Costs" to support their motion,² in which they apportioned the costs they demanded as follows:

1. Attorney's fees in the amount of \$1,000.00;³
2. Printing and binding costs of \$8,871.61;⁴
3. Tax totaling \$12.11 as reflected at the bottom of a receipt generated September 2, 2014;⁵ and
4. Filing fees of \$300.00.⁶

The Appellants asserted as follows regarding their demand for costs and attorney's fees:⁷

SCACR 222(a) provides that when a judgment is reversed, costs shall be taxed against the respondent unless the Court orders otherwise. Moreover, an SCACR 222 attorney fee award has been called "automatic" by the Supreme Court. [*Muller v. Myrtle Beach Golf & Yacht Club*, 438 S.E.2d 248, 250 (S.C. 1993)].

The Appellants then summarized the Court's February 10, 2016 decision in the instant matter, 782 S.E.2d 757 (S.C. Ct. App. 2016), as follows:⁸

¹ See Motion, pp. 4, 8 – 9, and 15.

² *Id.*, pp. 11 – 15.

³ See Motion, p. 15. In the final sentence of their motion, the Appellants also reserved the right to petition for "attorney fees, etc.," under S.C. Code Ann. § 15-77-300 "if and when they become prevailing parties on remand in the" South Carolina Administrative Law Court ["ALC"]. *Id.*, p. 4.

⁴ *Id.*, pp. 8 – 9 and 14 – 15. Gatewood included a receipt dated September 2, 2014 from an Office Depot in the Charleston Area with his "Itemized Statement of Costs." *Id.*, p. 29.

⁵ *Id.*, pp. 15 and 29.

⁶ *Id.*, p. 15.

⁷ *Id.*, p. 8. As referenced in SCACR 222(b), the maximum amount recoverable as attorney's fees is \$1,000.00.

⁸ *Id.*, p. 8.

... the Court of Appeals reversed the [South Carolina Administrative Law Court] order denying [the Appellants'] grievances as untimely filed, and remanded for the ALC to consider the grievances on the merits. On May 30, 2017, the Supreme Court issued an order denying [SCDC's] petition for certiorari to the Court of Appeals. In addition, neither Court has ordered taxation of costs in a manner other than as provided under the rule.

On June 2, 2017, this Court remitted the instant consolidated matter back to the ALC.

II. SOUTH CAROLINA APPELLATE COURT RULE 222

SCACR 222 is entitled "Costs on Appeal." In its entirety, SCACR 222(a), which is entitled "To Whom Allowed," provides as follows:

Unless otherwise ordered by the appellate court or agreed by the parties, costs shall be taxed against the appellant when the appeal is dismissed or judgment on appeal is affirmed. **When a judgment is reversed, costs shall be taxed against the respondent unless the court orders otherwise.** When an appeal is affirmed or reversed in part or is vacated, costs shall be allowed only as ordered by the appellate court. [emphasis supplied].

The provisions of SCACR 222(d) also apply to the instant matter. SCACR 222(d) is entitled "Motion for Costs," and, in pertinent part, it provides as follows:

Any return or reply to the motion shall be served and filed in the manner provided by Rule 240. **The return may oppose the request for costs or seek a reduction of the amount of costs to be awarded.** [emphasis supplied].

III. THIS COURT'S FEBRUARY 10, 2016 DECISION

At the outset of its February 10, 2016 decision, this Court framed the single issue it considered in the instant consolidated matter, and, after doing so, it ruled as follows, 782 S.E.2d at 757 – 58:

[Appellants], 196 current or former inmates participating in a Prison Industries service project operated by [SCDC], challenge an order of [ALC] upholding SCDC's denial of [Appellants'] grievances.

[Appellants] argue their grievances invoking the Prevailing Wage Statute⁹ were not subject to SCDC's fifteen-day filing deadline because these grievances concerned SCDC policy rather than an "incident." We reverse and **remand for consideration of [Appellants'] grievances on the merits.** [emphasis supplied].

IV. ARGUMENT IN OPPOSITION TO THE APPELLANTS' MOTION FOR COSTS

SCDC opposes the Appellants' entire motion for costs, including their demand for attorney's fees.

A. THE APPELLANTS' FLAWED INTERPRETATION OF *Muller*

The Appellants asserted in their motion that "an SCACR 222 attorney fee award has been called 'automatic' by [our] Supreme Court," and, to support their assertion, they cited *Muller*, 438 S.E.2d at 250.¹⁰ The Appellants' interpretation of *Muller* is flawed.

The entirety of the operative language from *Muller*, 438 S.E.2d at 250, upon which the Appellants relied, reads as follows:

Second, as to appellate costs, [SCACR 222] provides an **automatic attorney's fee award of \$750 for the prevailing party on appeal**, which is "taxed in the appellate court." [emphasis supplied].

Thus, to animate the "automatic attorney's fee award" described by the *Muller* Court, the Appellants' must have been the prevailing party in this Court's February 10, 2016 decision.

Under their flawed interpretation of *Muller*, however, the Appellants need only move for costs to receive attorney's fees.

⁹ In the footnote associated with the instant passage, 782 S.E.2d at 758, n. 1, this Court quoted S.C. Code Ann. § 24-3-430(D): "No inmate participating in the [Prison Industries] program may earn less than the prevailing wage for work of [a] similar nature in the private sector."

¹⁰ See note 7 above.

B. SECTION 15-77-300, *Masi*, and *Video Gaming*

S.C. Code Ann. § 15-77-300 is entitled “Allowance of fees, applicability of law,¹¹” and, in pertinent part, it provides as follows:

In any civil action brought by the State, any political subdivision of the State or any party who is contesting state action, unless the prevailing party is the State or any political subdivision of the State, the court may allow the **prevailing party** to recover reasonable attorney’s fees to be taxed as court costs against the appropriate agency *if*:

(1) The court finds that **the agency acted without substantial justification in pressing its claim against the party; and**

(2) The court finds that **there are no special circumstances that would make the award of attorney’s fees unjust.**

[emphasis supplied].

In *City of Charleston v. Masi*, 609 S.E.2d 301, 304 (S.C. 2005), our Supreme Court interpreted § 15-77-300, and it stated as follows:

There are **three prerequisites** that must be established prior to the recovery of attorney’s fees and costs by a party contesting state action. [*Heath v. County of Aiken*, 394 S.E.2d 709 (S.C. 1990)]. *First*, the contesting party must be the “**prevailing party;**” *second*, the court must find that **the agency acted without substantial justification in pressing its claim against the party;** and *third*, the court must find that **there are no special circumstances that would make an award of attorney’s fees unjust.** *Id.* [emphasis supplied].

In *Video Gaming Consultants, Inc., v. S.C. Dep’t of Revenue*, 595 S.E.2d 890, 891 – 92 (S.C. Ct. App. 2004), this Court quoted both § 15-77-300 and *Heath* when it ruled as follows:

The Department argues the trial court erred in awarding attorney’s fees to Video Gaming. We agree.

The prevailing party to a civil action may recover attorney’s fees against a state agency *only if* “**the agency acted without substantial justification in pressing its claim against the party**” *and* there are no “**special circumstances that would make the award of attorney’s fees unjust.**” [quoting § 15-77-300]. Our supreme court held “substantial

¹¹ The Appellants referenced § 15-77-300 in their motion. See note 3 above.

justification” does not mean “‘justified to a high degree,’ but rather ‘justified in substance or in the main’- that is, justified to a degree that could satisfy a reasonable person.” [quoting *Heath*; other citation and footnote omitted]. In deciding whether a state agency acted with substantial justification, the courts look to the agency’s position in litigating the case to determine **“whether it is one which has a reasonable basis in law and fact.”** [citation omitted]. **An agency’s loss on the merits does not create a presumption that its position was not substantially justified.** [citations omitted]. [emphasis supplied].

C. THE APPELLANTS DID NOT PREVAIL ON THE MERITS OF THEIR PRISON INDUSTRIES PAY CLAIMS

By the decision this Court issued February 10, 2016 in the instant consolidated matter, the Appellants successfully challenged the ALC’s decision which upheld SCDC’s application of the fifteen-day filing deadline from Policy GA-01.12 to the administrative grievances in which the Appellants articulated a variety of prison industries pay claims. In so applying Policy GA-01.12’s fifteen-day filing deadline, SCDC determined that the administrative grievances in which the Appellants articulated their prison industries pay claims were time-barred.

While this Court’s February 10, 2016 decision invalidated the ALC’s ruling which SCDC’s determination that the Appellants’ grievances were time-barred, it did not decide, determine, or otherwise impact the ultimate issue in the instant consolidated matter, namely the merits of the prison industries pay claims articulated by the Appellants in their respective administrative grievances.

In the final sentence of their motion, the Appellants conceded that this Court’s February 10, 2016 decision did not adjudicate the ultimate issue – the merits of their prison industries pay claims – when they explicitly reserved the right to petition for “attorney fees, etc.,” under § 15-77-300 **“if and when they become prevailing parties on remand in the”** ALC.¹² [emphasis supplied].

¹² See Motion, p. 4. See also notes 3 and 11 above.

Accordingly, this Court's February 10, 2016 decision does not and will not result in the entry of any judgment in favor of a single Appellant, and the Appellants' reliance upon SCACR 222(a) is misplaced.¹³

D. SCDC ACTED WITH SUBSTANTIAL JUSTIFICATION IN PRESSING ITS CLAIMS AGAINST THE APPELLANTS

Even if they prevailed in the decision it issued February 10, 2016, under § 15-77-300, *Masi*, and *Video Gaming*, this Court, to award attorney's fees to the Appellants, must find that SCDC acted without substantial justification in pressing its claim against them.

As reflected in its filings to this Court, SCDC acted *with* substantial justification in pressing its position that the fifteen-day filing deadline from Policy GA-01.2 applied to the Appellants' grievances.

In a compelling, albeit unpublished, memorandum opinion styled as *Okerá v. S.C. Dep't of Corr.*, -- S.E.2d --, 2012 WL 10907962 (No. 2012-MO-042) (S.C. Oct. 24, 2012), our Supreme Court ruled as follows:

This is a direct appeal from an order of the [ALC] dismissing the appeal from [SCDC's] denial of Appellant's inmate grievance based on **his failure to comply with the relevant statute of limitations** set forth in [Policy GA-01.12]. We **affirm** pursuant to Rule 220(b)(1), SCACR, and the following authorities: [*Al-Shabazz v. State*, 527 S.E.2d 742 (1999)] (**approving [SCDC's] internal procedures for discipline and grievances, which specify a fifteen-day time limit for filing for grievances**). [emphasis supplied].

Like the Appellants, Okerá participated in prison industries project operated by SCDC.¹⁴ Like the Appellants, Okerá filed an administrative grievance with SCDC in which he claimed

¹³ As quoted above in Section II, the middle sentence of SCACR 222(a) provides that "[w]hen a judgment is reversed, costs shall be taxed against the respondent *unless* the court orders otherwise." [emphasis supplied].

¹⁴ Okerá voluntarily participated in a prison industries project operated by SCDC at Evans Correctional Institution, and the project in which he participated was certified by the United States Department of Justice's Bureau of Justice Assistance ["BJA"] under BJA's Prison Industries Enhancement Certification Program ["PIECP"].

SCDC did not pay him lawful wages for the labor he provided to the prison industries project in which he voluntarily participated.

As it did to the grievances filed by the Appellants, SCDC applied the fifteen-day filing deadline to Okera's grievance, and it denied Okera's grievance. Okera appealed SCDC's denial of his grievance to the ALC, and the ALC affirmed SCDC's decision. Okera then appealed the ALC's decision to this Court, but our Supreme Court accepted Okera's appeal on direct appeal. As evidenced by the above-quoted per curiam opinion, our Supreme Court affirmed the decision by the ALC which upheld SCDC's determination that Okera's grievance was time-barred.

The ALC designated Okera's appeal with the following docket number: 08-ALJ-04-00887-AP. In an order it issued June 29, 2009, the ALC ruled as follows:

This matter was remanded to [SCDC] on July 17, 2008 to determine if [Okera] filed his grievance in the instant matter while he was employed under the prison industries program or within **fifteen days** of the time he completed, terminated, or cease employment under the prison industries program. The Record on Appeal was supplemented on December 29, 2008. In the record, it appears [Okera] failed to file his step one grievance [until] six years after his last day of work in the prison industries. Therefore, [Okera's] Appeal was untimely.

Based on the Record on Appeal, this appeal must be dismissed because [Okera] failed to file his grievance in the instant matter while he was employed under the prison industries program, or within **fifteen days** of the time he completed, terminated, or ceased employment under the prison industries program. [emphasis supplied].

Aside from its decisions in both the instant consolidated matter and *Okera*, the ALC upheld SCDC's application of the fifteen-day filing deadline to grievances filed by inmates in which they articulated prison industries pay claims in myriad of instances, a sampling of which includes the following: *Bridgeman*, #130350, v. S.C. Dep't of Corr., ALC Docket No. 09-ALJ-04-00610-AP; *Cramer*, #251406, v. S.C. Dep't of Corr., ALC Docket No. 08-ALJ-04-00577-AP; *Daughtry*, #250139, v. S.C. Dep't of Corr., ALC Docket No. 04-ALJ-00783-AP; *Grant*, #81314,

v. S.C. Dep't of Corr., ALC Docket No. 05-ALJ-04-750-AP; *Grimmett, Jr.*, #102226, *v. S.C. Dep't of Corr.*, ALC Docket No. 05-ALJ-04-00757-AP; *Larrimore*, #238126, *v. S.C. Dep't of Corr.*, ALC Docket No. 09-ALJ-04-00470-AP; *Manigault*, #280550, *v. S.C. Dep't of Corr.*, ALC Docket No. 05-ALJ-04-00756-AP; *McLemore*, #127966, *v. S.C. Dep't of Corr.*, ALC Docket No. 09-ALJ-04-00023-AP; *Pipkin*, #283616, *v. S.C. Dep't of Corr.*, ALC Docket No. 05-ALJ-04-00733-AP; *Pritchett*, #260687, *v. S.C. Dep't of Corr.*, ALC Docket No. 07-ALJ-04-690-AP; *Sapp*, #218694, *v. S.C. Dep't of Corr.*, ALC Docket No. 05-ALJ-04-00732-AP; *Sumter*, #242379, *v. S.C. Dep't of Corr.*, ALC Docket No. 05-ALJ-04-00749-AP; *Smiley*, #262734, *v. S.C. Dep't of Corr.*, ALC Docket No. 08-ALJ-04-00571-AP; *Williams*, #187203, *vs. S.C. Dep't of Corr.*, ALC Docket No. 06-ALJ-04-622-AP; and *Wright*, #200123, *v. S.C. Dep't of Corr.*, 2006 WL 1430140 (ALJD Apr. 28, 2006).

In light of the overwhelming number of instances in which the ALC upheld SCDC's application of the fifteen-day filing deadline to grievances in which inmates articulated prison industries pay claims, SCDC's application of the fifteen-day deadline to the Appellants' grievances was grounded in a reasonable basis of law and fact.

Again, our Supreme Court in *Oker*, admittedly an unpublished decision, *affirmed* an ALC decision by which the ALC upheld SCDC's application of the fifteen-day filing deadline to an inmate's grievance in which the inmate articulated prison industries pay claims.

In fact, this Court's February 10, 2016 decision represents perhaps the first instance, if not the very first instance, in which an appellate court of our state invalidated SCDC's application of the fifteen-day filing deadline to an administrative grievance filed by an inmate in which the inmate articulated prison industries pay claims.

Accordingly, SCDC respectfully urges this Court to find that SCDC acted *with* substantial justification in pressing its claim against the Appellants in the instant matter.

E. “SPECIAL CIRCUMSTANCES” EXIST WHICH MAKE AN AWARD OF ATTORNEY’S FEES AND COSTS TO THE APPELLANTS UNJUST

Even if the Appellants prevailed in the decision it issued February 10, 2016 and even if SCDC acted without substantial justification in pressing its claim against them, under § 15-77-300, *Masi*, and *Video Gaming*, this Court, to award attorney’s fees to the Appellants, still must find that no “special circumstances” exist that would make an award of attorney’s fees to them unjust.

As illustrated above, the Appellants, in the motion for costs they submitted to this Court, explicitly reserved their rights, under § 15-77-300, to petition the ALC for attorney’s fees, as well as other costs, on remand.¹⁵ By making such a clear declaration to this Court, the Appellants animated the prospect of receiving a double award of attorney’s fees and costs – one from this Court and one from the ALC.

SCDC respectfully asserts, under § 15-77-300, *Masi* and *Video Gaming*, that the prospect of such a double award of attorney’s fees and costs constitutes “special circumstances” which would make an award of attorney’s fees and costs to the Appellants by this Court unjust.

V. CONCLUSION

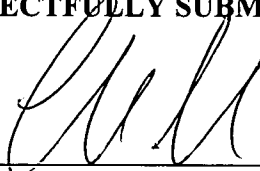
For the above-stated reasons, SCDC respectfully opposes the Appellants’ entire motion for costs.

Should this Court nonetheless favorably consider their motion for costs, SCDC respectfully urges this Court to reduce the award of costs from the amount the Appellants demanded as permitted under SCACR 222(d).

¹⁵ See notes 3, 11, and 12 above.

SCDC respectfully urges this Court to so reduce the award of costs and attorney's fees in a fashion which reflects the reality that its February 10, 2016 decision in the instant consolidated matter represents perhaps the first instance if the very first instance in which the bench rejected SCDC's application of the fifteen-day filing deadline from Policy GA-01.12 to an administrative grievance in which an inmate articulated prison industries pay claims.

RESPECTFULLY SUBMITTED:



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Ralph King Anderson, III, Chief Administrative Law Judge

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#266928, Darrin Miller, #259593, Edward Bryant,
#255998, Sherman Austin, #20028, Michael Baylor,
#265682, Taurus Bowman, #252745, Kenneth Carter,
#243538, Calvin Drummond, #236322, David Feggins,
#287157, Terry Ferguson, #299080, Willie House,
#257820, Peter Jenkins, #257321, Percy Martin,
#270035, James Murray, #165487, Stephone Simmons,
#300422, Larry McClam, #282972, Tyrone Aiken,
#244428, Tyrone Aiken, #248367, Frank Anderson,
#282800, Ronald Brewer, #285756, Keith Brown,
#295762, Pete Bryant, #242370, Michael Busques,
#191961, Richard Butler, #162467, Gary Davis,
#106144, Anthony English, #238474, Kerlan Etheredge,
#236635, James Evans, #267837, Jose Flores, #240563,
Robert Garrett, #291096, Reginald Geddis, #183851,
Richard Graham, #228235, Gary Grooms, #283860,
Wayne Harlan, #245705, Johnny Hayes, #267910,
Steven Hickenbottom, #196263, Alfred Joyner, #260442,
Donald Lyles, #296135, Henry Baker, #263398, Thomas
Carter, #249362, Thomas Butler, #257552, Bobby
Williams, #261486, Ray Wells, #173651, Rodney
Pressley, #177947, Keith Kelly, #257556, Maxie
Gamble, #254413, James Enriquez, #215539, Perry
Deveaux, #109601, James Wells, #180458, Cedric
Martino, #291396, Donald McAteer, #292961, Robert
Wydman, #260331, Anthony Wright, #214007, Derrick

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Williams, #272958, Kenneth White, #228409, James Trumper, #247429, Jeffrey Spears, #281697, Timothy Smith, #296539, Davis Sims, #278067, Virgil Simpson, #281888, Edward Simpson, #220017, Kenneth Simmons, #278911, George Shine, #292391, Ralph Sellers, #164295, Laron Richardson, #258786, Frank Patterson, #283098, Tony McNeil, #235864, Larry McClam, #282972, Lavanza Mack, #189340, Raymond Livingston, #277133, Nicholas Lambrose, #215080, Joseph Kelsey, #217218, Keith Eugene, no number, Chuck Jackson, #266425, James Foye, #211523, Timothy Inman, #151123, Marvin Gilbert, #273934, Demetrius Wheeling, #264976, Leon Wilson, #155867, Jeffrey Tevis, #216442, Darryel Beasley, #222388, Curtis Thompson, #266448, Baron Cobbs, #280479, James Tino, #145030, Harold Roberson, #117001, Ray Gadsen, #187527, Tony Witt, #242918, Jonathan Singleton, #287670, Joe Pannell, #89592, Charles Graham, #294453, Lazarus Brannon, #227847, Darrell Williams, #219730, Wilbert Mills, #244004, Howard Grant, #255473, Timothy Wilson, #261971, Rodney Elliott, #251337, Henry Rivers, #219118, Appellants,

v.

South Carolina Department of Corrections, Respondent.

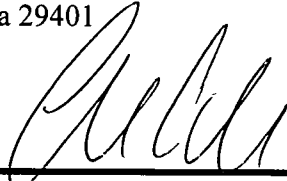
Lower Court Case No. 2007-ALJ-04-0444-AP
Court of Appeals Appellate Case No. 2012-210588
Supreme Court Appellate Case No. 2016-000829

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I certify that I have served a copy of **Respondent's Return to Appellants' Motion for Costs** on the above named Appellants by mailing a copy of it to their counsel, first class postage pre-paid, at the following address:

Douglas H. Westbrook, Esquire
Attorney at Law
23 Broad Street
Charleston, South Carolina 29401



June 26, 2017

LAKE E. SUMMERS

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