

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DILLON COUNTY
J. Michael Baxley, Circuit Court Judge

Case No. 2014-000208
Opinion No. 2016-UP-331
(S.C. Ct. App. filed June 29, 2016)

RECEIVED
JUL 10 2017
SC Court of Appeals

Claude W. Graham and Vickie B. Graham, Appellants,

v.


Town of Latta, South Carolina, Respondent.

MOTION FOR COSTS ON APPEAL

The Respondent Town of Latta moves this Court, pursuant to Rule 222(d), SCACR, to tax costs on appeal in the amount of \$1,077.98 against the Appellants.

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

DAVIDSON & LINDEMANN, P.A.

BY:  _____

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

Counsel for Respondent Town of Latta

Columbia, South Carolina

July 6, 2017

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v.

Town of Latta, South Carolina,

Respondent.

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

On June 29, 2016, the South Carolina Court of Appeals issued an unpublished decision affirming the Circuit Court's order allowing the Town of Latta to deposit the sum of the judgments with the court to stop the accrual of post-judgment interest during the pendency of the Town's appeals in Civil Action Numbers 2008-CP-17-0376 and 2008-CP-17-0377. The Appellants filed a Petition for Writ of Certiorari, which was denied by Order of the South Carolina

Supreme Court issued on June 16, 2017. The Remittitur was subsequently issued by this Court on June 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 in this appeal, the Respondent Town of Latta is entitled to an award of costs on appeal in accordance with Rule 222(b), SCACR, which includes the costs of the printing of the final brief. The Respondent 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 moves this Court, pursuant to Rule 222(d), SCACR, for costs on appeal in the amount of \$1,077.98. 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: 

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

Counsel for Respondent Town of Latta

Columbia, South Carolina

July 6, 2017

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Claude W. Graham and,)
 Vickie B. Graham,)
)
 Appellants,)
)
 v.)
)
 Town of Latta, South Carolina,)
)
 Respondent.)
 _____)

Opinion No. 2016-UP-331
 (filed June 29, 2016)

STATEMENT OF COSTS ON APPEAL

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The Clerk of the South Carolina Court of Appeals is requested to tax the following costs against the Appellant:

COSTS AND FEES TAXABLE UNDER RULE 222(d), SCACR	NO. OF PAGES	RATE	REQUESTED	ALLOWED (For Court use only)
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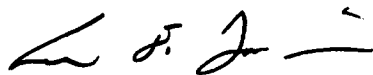
Cost of Printing Final Brief:			\$ 77.98	
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Attorney's Fee Provided By Rule 222(b), SCACR			\$ 1,000.00	
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Other (specify and explain):

TOTAL \$ 1,077.98

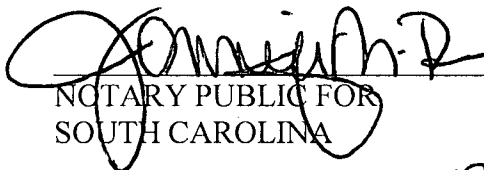
I, Andrew F. Lindemann, do swear that the foregoing costs are correct and were necessarily incurred in this action. A copy of this statement was served upon the Appellants' counsel by first class mail.



ANDREW F. LINDEMANN

Counsel for Respondent

SWORN TO BEFORE ME THIS 10th
DAY OF JULY 2017.

 (SEAL)
NOTARY PUBLIC FOR
SOUTH CAROLINA

COMMISSION EXPIRES: 1-13-2020

Approved: _____
CLERK

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DILLON COUNTY
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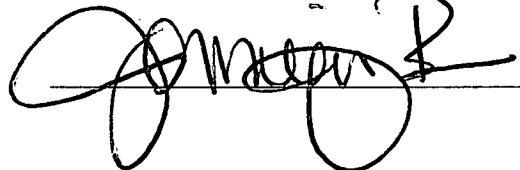
v.

Town of Latta, South Carolina, Respondent.

CERTIFICATE OF SERVICE

The undersigned employee of Davidson & Lindemann, P.A., counsel for the Respondent Town of Latta, does hereby certify that service of the **Motion for Costs on Appeal, Memorandum in Support of Motion for Costs on Appeal** and the **Statement of Costs on Appeal** 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 6th day of July 2017:

Reynolds Williams, Esquire
Willcox, Buyck & Williams
Post Office Box 1909
Florence, South Carolina 29503-1909



DAVIDSON & LINDEMANN, P.A.

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July 6, 2017

*Also Admitted In North Carolina
†Certified Mediator

Of Counsel
Kenneth P. Woodington

Writer's Email: alindemann@dml-law.com

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

RE: Claude W. Graham and Vickie B. Graham v. Town of Latta, South Carolina
Appellate Case Number: 2014-000208
Civil Action Numbers: 2008-CP-17-0376 and 2008-CP-17-0377
Claim Number: 690001C05341
Our File Number: 321.7974

Dear Ms. Kitchings:

Please find enclosed for filing the originals and seven copies each of the **Motion for Costs on Appeal, Memorandum in Support of Motion for Costs on Appeal** and the **Statement of Costs on Appeal** with regard to the above referenced matter. Please file the originals and return a clocked-in copy of each document to me in the enclosed envelope. 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.

Sincerely,

DAVIDSON & LINDEMANN, P.A.



Andrew F. Lindemann

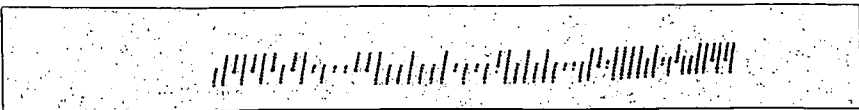
AFL/jmb
Enclosures

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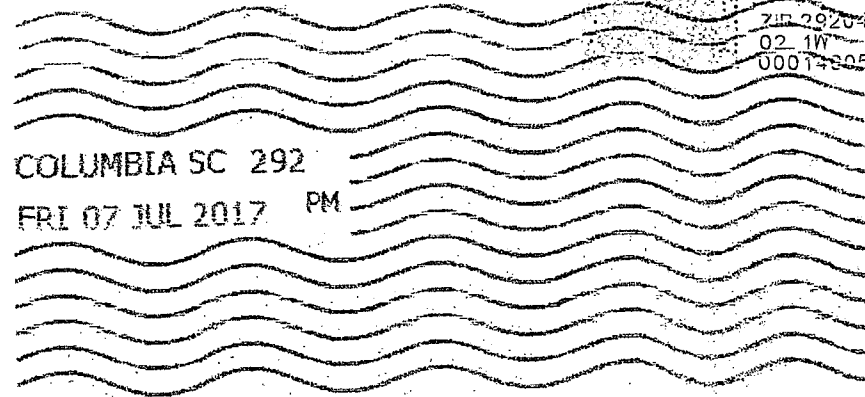
The Honorable Jenny Abbott Kitchings
July 6, 2017
Page Two

cc: (w/ Enclosures)

Reynolds Williams, Esquire
Willcox, Buyck & Williams
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