

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable Benjamin H. Culbertson, Circuit Court Judge

Case No. 2016-002459

South Carolina Human Affairs Commission,

Appellant,

RECEIVED

v.

JUL 13 2017

Zeyi Chen & Zhirong Yang,

Respondents.

SC Court of Appeals

RESPONDENTS' MOTION FOR ASSESSMENT OF COSTS

Come now the Respondents, Zeyi Chen & Zhirong Yang, pursuant to Rule 222, SCACR, and move this Honorable Court for an Order assessing costs against the Appellant following the dismissal of this appeal. As grounds for this Motion, Respondents would show that the Respondents' motion to dismiss was granted on June 30, 2017.

STATEMENT OF THE CASE

On or about December 5, 2016, Appellant filed this appeal contesting the Circuit Court's Order dated November 15, 2016. Respondents thereafter moved to dismiss the appeal, and the Respondents' motion to dismiss was granted by the Court of Appeals on June 30, 2017.

ARGUMENT

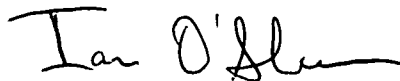
Costs should be assessed against the Appellant in favor of the Respondents due to the appeal being dismissed. "Unless otherwise ordered by the appellate court or agreed by the parties, costs shall be taxed against the appellant when the appeal is dismissed or judgment on appeal is affirmed." SCACR 222(a). The party entitled to recover costs under this rule may recover the filing fee paid under Rule 203(d), and an attorney's fee in an amount which was set by order of the Supreme Court dated July 24, 1997 at \$1,000. SCACR 222(b).

The Respondents in this case have actually incurred expenses in the amount of \$1050.00. See accompanied "Itemized Statement of Costs." Pursuant to Rule 222 SCACR, Respondents are entitled to recover these costs.

CONCLUSION

Based on the foregoing, the Respondents respectfully move this Honorable Court for an Order assessing costs against Appellants in favor of Respondents in an amount of \$1050.00 as a result of the dismissal of the Appellant's appeal in accordance with Rule 222, SCACR; and for all such further relief as this Court deems just and proper.

Respectfully submitted,



Ian R. O'Shea
1120 Folly Road
Charleston, South Carolina 29412
(843) 805-4943
Attorney for Respondents

Charleston, South Carolina
July 5, 2017

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RESPONDENTS' ITEMIZED STATEMENT OF COSTS

The Appellate Court is requested to tax the following costs against the South Carolina Human Affairs Commission.

COSTS TAXABLE UNDER RULE 222, SCACR	NO. OF PAGES	RATE	REQUESTED	ALLOWED (For Court Use Only)
Filing Fee Paid Under Rule 203(d), SCACR		\$25.00/filing	\$50.00	
Attorney's Fee Provided By Rule 222(b), SCACR		\$100.00/hr	\$1000.00	
		TOTAL	\$1050.00	

I, Ian O'Shea, do swear or affirm that the foregoing costs are correct and were necessarily incurred in this action. A copy of this statement was mailed to opposing counsel.

Ian O'Shea

(Signature)

Attorney for Respondents

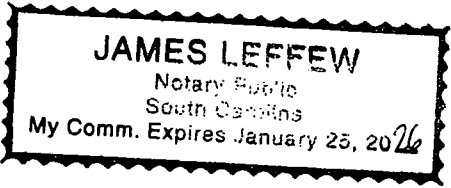
Subscribed and sworn to before me this 11th day of July, 2017.

James Leffew

Notary Public for South Carolina

My Commission Expires: 1/25/26

(Seal)



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CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of July, 2017, in Charleston, South Carolina, I served a copy of the foregoing Respondents' Motion for Assessment of Costs and Itemized Statement of Costs upon Counsel for Appellant by depositing the same in the United States Mail, postage prepaid, and addressed as follows:

R. Alexander Pate, II
South Carolina Human Affairs Commission
Post Office Box 4490
Columbia, SC 29240



Ian R. O'Shea
1120 Folly Road
Charleston, South Carolina 29412
(843) 805-4943
Attorney for Respondents



Ian Richard O'Shea, Esq.
1120 Folly Road
Charleston, SC 29412

O'Shea
Law Firm
— LLC —

Telephone: 843-805-4943
Facsimile: 843-805-4974
Email: ioshea@theoshealawfirm.com

July 11, 2017

Sent via Certified Mail

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

Re: South Carolina Human Affairs Commission v. Zeyi Chen & Zhirong Yang
Civil Action No.: 14-CP-10-7037
Appellate Case No.: 2016-002459

Dear Ms. Kitchings:

Enclosed for filing are the original and six (6) copies of Respondents' Motion for Assessment of Costs, Itemized Statement of Costs, and Certificate of Service for the action referenced above, along with the filing fee of twenty-five (\$25.00) dollars.

Thank you for your assistance with this matter. If you have any questions, comments, or concerns, please do not hesitate to contact me. With kind regards, I am,

Sincerely,

Ian Richard O'Shea
Attorney for Respondents.

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SC Court of Appeals



O'Shea Law Firm LLC
1120 Folly Road
Charleston SC 29412

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SC Court of Appeals



South Carolina Court of Appeals
Attn Honorable Jenny Abbott Kitching
Clerk of Court
PO Box 11629
Columbia SC 29211-1629