

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHEROKEE COUNTY
Court of Common Pleas

J. Derham Cole, Circuit Court Judge

C/A No.: 2013-CP-11-0002
Appellate Case No.: 2014-002467

RECEIVED

AUG 23 2017

SC Court of Appeals

Dealer Services Corporation.....Respondent,

v.

Total, Inc. d/b/a Gault's Used Cars d/b/a Gault's Auto Parts d/b/a Gault's Used Cars and Auto Parts d/b/a Gault's Used Cars and Motormaxx; Edward Keith Potter; Michael Wayne Gault; Christopher Drye d/b/a Drye's Auto Crushing; Ben D. Kochenower, CPA; Automotive Finance Corporation; Grandsouth Bank d/b/a CarBucks; Mason Motors, Inc. d/b/a Mason Ent.; American Community Bank, a Division of Yadkin Valley Bank and Trust Company; Quick Capital, LLC d/b/a Quick Capital; and Auto Bank Floorplan, LLC.....Defendants,

Of Whom Total, Inc. d/b/a Gault's Used Cars d/b/a Gault's Auto Parts d/b/a Gault's Used Cars and Auto Parts d/b/a Gault's Used Cars and Motormaxx; Edward Keith Potter; Michael Wayne Gault are the.....Petitioners.

RESPONDENT'S MOTION FOR COSTS

Robert F. Goings (S.C. Bar # 74855)
Goings Law Firm, LLC
1510 Calhoun Street (29201)
Post Office Box 436
Columbia, SC 29202
Phone: (803) 350-9230

Pursuant to Rules 222(a), 240 and 242(j), SCACR, Respondent Dealer Services Corporation requests the costs of this appeal be taxed against Petitioners. Petitioners Petition for Writ of Certiorari was denied by Order of the Court on August 10, 2017. “If a petition for a writ of certiorari is sought under Rule 242, the Court of Appeals shall tax costs only in those cases in which the petition for a writ of certiorari is denied.” Rule 222(e), SCACR.

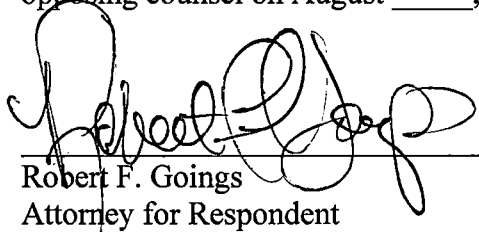
Rule 222(b), SCACR sets forth the costs that are recoverable including “all those costs specified in Rule 222(b), to include the attorney’s fees provide by that rule. Additionally, the party may, to the extent the party actually incurred these costs, recover: (1) the filing fee paid under Rule 242(c); (2) the cost of printing the Appendix under Rule 242(e) and (i); and (3) the cost of printing the party’s brief(s) under Rule 242(i). The party may also recover any additional attorney’s fee in an amount which shall be set by the order of the Supreme Court.”

The following costs against Petitioners’ are requested:

COSTS TAXABLE RULE 222, SCACR	NO. OF PAGES	REQUESTED	ALLOWED (For Court Use Only)
Cost of Printing or Copying Final Brief		\$88.45	
Cost of Court Reporter’s Transcript	22 pages, October 13, 2014 Hearing	\$50.75	
Motions Filing Fee		\$50.00	
Attorney’s Fee, Per Rule 222(b), SCACR		\$1,000.00	
Subtotal		\$1,189.20	

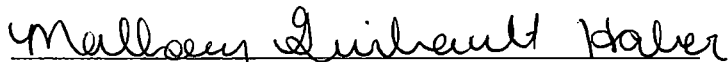
WHEREFORE, pursuant to Rule 242, SCACR, Respondent requests this Court order Petitioners to pay \$1,189.20 for the costs and fees requested above or in the alternative, make such an order as the Court deems just.

I, Robert F. Goings, do swear and affirm that the foregoing costs are correct and were necessarily incurred in this action. A copy of this statement was (mailed to/served upon) opposing counsel on August 18, 2017, by mailing a copy of this Motion for Costs.



Robert F. Goings
Attorney for Respondent

SUBSCRIBED TO AND SWORN BEFORE ME
this 18th day of August, 2017.



Notary Public for South Carolina
My Commission Expires: 9/6/2021

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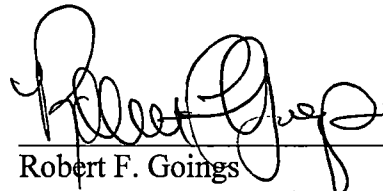
PROOF OF SERVICE

Robert F. Goings (S.C. Bar # 74855)
Goings Law Firm, LLC
1510 Calhoun Street (29201)
Post Office Box 436
Columbia, SC 29202
Phone: (803) 350-9230

I, Robert F. Goings, do hereby affirm that on August 18, 2017, I served one copy of Respondent's Motion for Costs on the following named individuals by placing a copy in the United States Mail, first class, postage prepaid, addressed to the following:

D. Alan Lazenby, Esquire
Lazenby Law Firm, LLC
PO Box 6099
Spartanburg, SC 29304

Ginger D. Goforth, Esquire
Ward Law Firm
PO Box 5663
Spartanburg, SC 29304
Attorneys for Petitioners



Robert F. Goings
Attorney for Respondent

Columbia, South Carolina
August 18, 2017



1510 CALHOUN STREET
POST OFFICE BOX 436 (29202)
COLUMBIA, SC 29201

P 803.350.9230
F 877.789.6340

August 18, 2017

VIA UNITED STATES MAIL

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Dealer Services Corporation v. Total, Inc., et. al.
Civil Action No.: 2013-CP-11-0002
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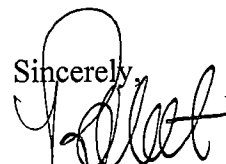
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SC COURT OF APPEALS

Dear Ms. Kitchings:

Enclosed for filing please find the original and six (6) copy of Respondent's Motion for Costs and Certificate of Service in the above-referenced matter. Also enclosed is a check in the amount of \$25.00 representing the applicable filing fee. Please file the original and return the filed-stamped copies to me in the enclosed self-addressed envelope.

Thank you for your assistance in this matter. Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,

Robert F. Goings

cc: D. Alan Lazenby, Esquire
Ginger D. Goforth, Esquire

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SC Court of Appeals

 *Goings Law Firm*

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COLUMBIA, SC 29201

THE HONORABLE Jenny A. Kitchings
CLERK OF COURT
SC COURT OF APPEALS
P.O. BOX 11629
COLUMBIA, SC 29211