

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM SUMTER COUNTY  
Clifton Newman, Circuit Court Judge

Opinion No. 2015-UP-547  
(S.C. Ct. App. filed December 2, 2015)  
Appellate Case No. 2014-000194

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SEP 18 2017

SC Court of Appeals

Evalena Catoe, individually and as Personal Representative of  
the Estate of Richard L. Catoe, Jr., deceased, ..... Appellant,

v.

The City of Columbia and Leon Lott, in his official capacity as  
Sheriff of Richland County, ..... Defendants,

Of whom Leon Lott, in his official capacity as Sheriff of  
Richland County, is ..... Respondent.


**MOTION FOR COSTS ON APPEAL**

The Respondent Leon Lott, in his official capacity as Sheriff of Richland  
County, moves this Court, pursuant to Rule 222(d), SCACR, to tax costs on appeal in

the amount of \$1,108.21 against the Appellant Evalena Catoe, individually and as Personal Representative of the Estate of Richard L. Catoe, Jr., deceased.

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

DAVIDSON & LINDEMANN, P.A.

BY: 

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

*Counsel for Respondent*

Columbia, South Carolina

September 13, 2017

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

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On December 2, 2015, the South Carolina Court of Appeals issued an unpublished decision affirming the Circuit Court's granting of the Respondent

Leon Lott's motion for summary judgment. The Appellant filed a petition for rehearing which was denied on January 21, 2016.

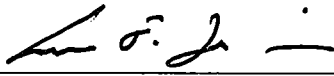
The Appellant then filed a petition for writ of certiorari with the South Carolina Supreme Court. That petition was denied by Order dated August 22, 2017. The Remittitur was then issued by this Court on August 29, 2017. Accordingly, the Respondent Leon Lott, in his official capacity as Sheriff of Richland County, is the prevailing party on appeal.

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 Leon Lott, in his official capacity as Sheriff of Richland County, is entitled to an award of costs on appeal in accordance with Rule 222(b), SCACR, which includes the costs of the hearing transcript and the printing of his final brief. The Respondent Leon Lott, in his official capacity as Sheriff of Richland County, 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 Leon Lott, in his official capacity as Sheriff of Richland County, moves this Court, pursuant to Rule 222(d), SCACR, for costs on appeal in the amount of \$1,108.21. 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

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**CERTIFICATE OF SERVICE**

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The undersigned employee of Davidson & Lindemann, P.A., counsel for the Respondent, 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 13th day of September 2017:

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

Pamela R. Mullis, Esquire  
Mullis Law Firm  
Post Office Box 7757  
Columbia, South Carolina 29202-7737

Mitchell A. Norrell, Esquire  
Mandy D. Powers-Norrell, Esquire  
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Post Office Box 994  
Lancaster, South Carolina 29721

Danny C. Crowe, Esquire  
Crowe LaFave, LLC  
Post Office Box 1149  
Columbia, South Carolina 29202



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DAVIDSON & LINDEMANN, P.A.

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September 13, 2017

Daniel C. Plyler  
Joel S. Hughes  
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Steven R. Spreuwers  
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Jasmine D. Wyman

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Of Counsel  
Kenneth P. Woodington

\*Also Admitted In North Carolina  
†Certified Mediator

Writer's Email: [alindemann@dml-law.com](mailto: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: Evalena Catoe, individually and as Personal Representative of the Estate of Richard L. Catoe, Jr., deceased v. The City of Columbia and Leon Lott, in his official capacity as Sheriff of Richland County  
Appellate Case Number: 2014-000194  
Civil Action Number: 2013-CP-40-1047R  
Our File Number: 314.8165

Dear Ms. Kitchings:

Please find enclosed for filing the original 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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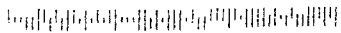
SEP 18 2017

SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
September 13, 2017  
Page Two

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cc: Pamela R. Mullis, Esquire (*w/ Enclosures*)  
Mitchell A. Norrell, Esquire (*w/ Enclosures*)  
Mandy D. Powers-Norrell, Esquire (*w/ Enclosures*)  
Danny C. Crowe, Esquire (*w/ Enclosures*)



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Davidson & Lindemann, P.A.  
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