

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

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SEP 06 2017

APPEAL FROM ANDERSON COUNTY  
Alexander S. Macaulay, Circuit Court Judge

S.C. SUPREME COURT

Appellate Case No. 2016-001935  
Lower Court Case No. 2013-CP-04-02409

Hubert Bethune, ..... Respondent,

vs.

Waffle House, Inc., ..... Petitioner.

**MOTION FOR COSTS AND ATTORNEY FEES**

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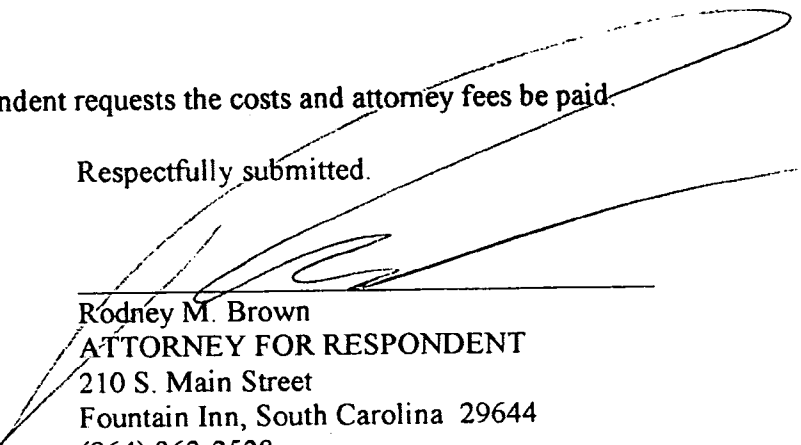
SEP 22 2017

The Respondent respectfully submits a Motion pursuant to Rule 222 of the SC Court of Appeals Appellate Court rules for payment of their costs and attorney fees.

Pursuant to Rule 222, the Appellate Court will tax the costs against the Appellant when a judgment is affirmed. An Itemized Statement of Costs (Form 17) is attached hereto and incorporated herein.

Accordingly, the Respondent requests the costs and attorney fees be paid.

Respectfully submitted.

  
Rodney M. Brown  
ATTORNEY FOR RESPONDENT  
210 S. Main Street  
Fountain Inn, South Carolina 29644  
(864) 862-2528

August 30, 2017

**FORM 17  
ITEMIZED STATEMENT OF COSTS**

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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SEP 06 2017

S.C. SUPREME COURT

Hubert Bethune, Respondent

v.

Waffle House, Inc., Appellant

Appellate Case No. 2016-001935

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SEP 22 2017

SC Court of Appeals

The Appellate Court is requested to tax the following costs against

Waffle House, Inc.

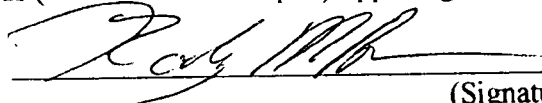
(Name of Party)

| COSTS TAXABLE UNDER<br>RULE 222, SCACR                 | NO. OF<br>PAGES | RATE       | REQUESTED  | ALLOWED<br>(For Court<br>Use Only) |
|--|-----------------|------------|------------|------------------------------------|
| Cost of Printing or Copying<br>Final Brief             | 17              | \$108.68   | \$108.68   |                                    |
| Cost of Printing or Copying<br>Final Reply Brief       |                 |            |            |                                    |
| Cost of Printing or Copying<br>Record on Appeal        |                 |            |            |                                    |
| Filing Fee Paid Under Rule<br>203(d), SCACR            |                 |            |            |                                    |
| Cost of Court Reporter's<br>Transcript                 | 21              | \$15.75    | \$15.75    |                                    |
| Attorney's Fee Provided By<br>Rule 222(b), SCACR       |                 | \$1,000.00 | \$1,000.00 |                                    |
| Other (specify and explain):<br>Motions for extensions |                 | \$75.00    | \$75.00    |                                    |
|  |                 |            |            |                                    |

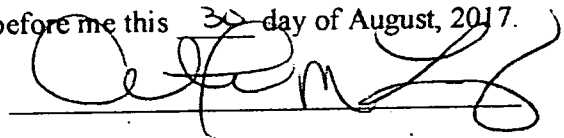


|   |  |       |            |  |
|---|--|-------|------------|--|
| COSTS TAXABLE UNDER<br>RULE 242(j), SCACR           |  |       |            |  |
| Cost of Printing or Copying<br>Brief                |  |       |            |  |
| Cost of Printing or Copying<br>Reply Brief          |  |       |            |  |
| Cost of Printing or Copying<br>Appendix             |  |       |            |  |
| Filing fee paid under Rule<br>242(c), SCACR         |  |       |            |  |
| Attorney's fee provided by<br>Rule 242(j)(2), SCACR |  |       |            |  |
| Other (specify and explain):                        |  |       |            |  |
|   |  | TOTAL | \$1,199.43 |  |

I, Rodney M. Brown, 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/served upon) opposing counsel.

  
 (Signature)  
 Attorney for Respondent

Subscribed and sworn to before me this 30 day of August, 2017.



Notary Public for South Carolina

My Commission Expires: 1-29-2023

(Seal)

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

APPEAL FROM ANDERSON COUNTY  
Alexander S. Macaulay, Circuit Court Judge

Case No. 2013-CP-04-2409  
Appellate Case No. 2016-001935

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**S.C. SUPREME COURT**

Hubert Bethune, ..... Respondent,

vs.

Waffle House, Inc., ..... Appellant.

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**SC Court of Appeals**

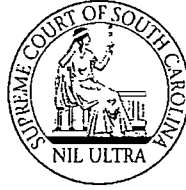
**CERTIFICATE OF SERVICE**

The undersigned employee of Rodney M. Brown, P.A., attorney for the Respondent, does hereby certify that service of the Motion for Costs and Attorney Fees, Form 17 Itemized Statement of Costs was made upon counsel of record by placing a copy in the United States Mail, first class postage prepaid, at the below listed address clearly indicated on said envelope this the 30 day of August, 2017.

ANDREW F LINDEMANN  
DAVIDSON & LINDEMANN PA  
POST OFFICE BOX 8568  
COLUMBIA SC 29202-8568

  
Annette M. Lay





# The Supreme Court of South Carolina

DANIEL E. SHEAROUSE  
CLERK OF COURT

BRENDA F. SHEALY  
CHIEF DEPUTY CLERK

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September 21, 2017

The Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia SC 29201-3726

Re: Hubert Bethune v. Waffle House  
Appellate Case No. 2016-001935<sup>1</sup>

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SC Court of Appeals

Dear Ms. Kitchings:

Enclosed is a motion for costs which was filed with this Court. No return has been filed to this motion.

Since this Court did not grant a writ of certiorari in this case, it appears that any motion for costs under Rule 222 of the South Carolina Appellate Court Rules (SCACR) is a matter for the South Carolina Court of Appeals to determine. *Cf.* Rule 242(j), SCACR (costs awarded by Supreme Court when a petition for a writ of certiorari has been granted). Therefore, I am forwarding this motion to your office.

Very truly yours,

CLERK

Enclosure

cc: Rodney M. Brown, Esquire  
Andrew F. Lindemann, Esquire

<sup>1</sup> Before the Court of Appeals, the Appellate Case Number was 2014-002058.

