

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
DeAndrea Gist Benjamin, Circuit Court Judge

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OCT 11 2017
SC Court of Appeals

Appellate Case No. 2014-000583
Opinion No. 2016-UP-261
(S.C. Ct. App. filed June 8, 2016)

Samuel T. Brick, Appellant,

v.

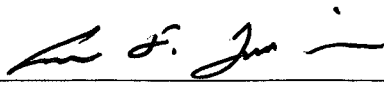
Richland County Planning Commission and
Fairways Development, LLC, Intervenor, Respondents.

MOTION FOR COSTS ON APPEAL

The Respondent Richland County Planning Commission moves this Court, pursuant to Rule 222(d), SCACR, to tax costs on appeal in the amount of \$1,066.58 against the Appellant Samuel T. Brick.

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

MICHAEL B. WREN

1611 Devonshire Drive

Post Office Box 8568

Columbia, South Carolina 29202

(803) 806-8222

Counsel for Respondent

Richland County Planning Commission

Columbia, South Carolina

October 11, 2017

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

On June 8, 2016, the South Carolina Court of Appeals issued an unpublished decision affirming the Circuit Court's dismissal of the Appellant Samuel Brick's appeal to the Circuit Court. The Appellant filed a petition for rehearing which was denied on August 18, 2016.

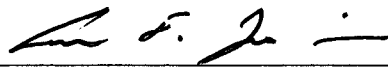
The Appellant then filed a petition for writ of certiorari with the South Carolina Supreme Court. That petition was denied by Order dated September 8, 2017. The Remittitur was then issued by this Court on September 26, 2017. In sum, the Respondent Richland County Planning Commission prevailed on appeal.

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 Richland County Planning Commission is entitled to an award of costs on appeal in accordance with Rule 222(b), SCACR, which includes the cost of printing of the final brief. The Respondent Richland County Planning Commission 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 Richland County Planning Commission moves this Court, pursuant to Rule 222(d), SCACR, for costs on appeal in the amount of \$1,066.58. 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:  _____

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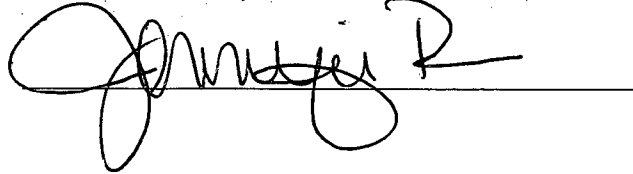
Richland County Planning Commission and
Fairways Development, LLC, Intervenor, Respondents.

CERTIFICATE OF SERVICE

The undersigned employee of Davidson & Lindemann, P.A., counsel for the Respondent Richland County Planning Commission, 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 the *pro se* Appellant and 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 11th day of October 2017:

Mr. Samuel T. Brick
124 Runnymede Drive
Blythewood, South Carolina 29016

Tobias G. Ward, Jr., Esquire
J. Derrick Jackson, Esquire
Tobias G. Ward, Jr., P.A.
Post Office Box 6138
Columbia, South Carolina 29260

A handwritten signature in black ink, appearing to read "Tobias G. Ward, Jr.", is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke at the end.

DAVIDSON & LINDEMANN, P.A.

ATTORNEYS AND COUNSELLORS AT LAW

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Andrew F. Lindemann*
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October 11, 2017

*Also Admitted In North Carolina
†Certified Mediator

Of Counsel
Kenneth P. Woodington

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

Hand Delivered

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

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OCT 11 2017

RE: Samuel T. Brick v. Richland County Planning Commission and
Fairways Development, LLC
Appellate Case Number: 2014-000583
Civil Action Number: 2013-CP-40-1643
Our File Number: 314.9169

SC Court of Appeals

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 by way of my courier. 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

The Honorable Jenny Abbott Kitchings
October 11, 2017
Page Two

cc: (w/ Enclosure)

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