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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

The Honorable G. Thomas Cooper, Jr.
Circuit Court Judge

Appellate Case No. 2014-000829
Circuit Court Case No. 2014-CP-32-00697

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SC Court of Appeals

Vivian Atkins, Robert P. Frick, and Kay Hollis, in their official capacity as members of the Town Council of the Town of Chapin, Appellants,

v.

James R. Wilson, Jr., in his official capacity as Mayor of the Town of Chapin, Gregg White, in his official capacity as a member of the Town Council of the Town of Chapin, and the Town of Chapin, Defendants,

of whom

James R. Wilson, Jr., in his official capacity as Mayor of the Town of Chapin, and Gregg White, in his official capacity as a member of the Town Council of the Town of Chapin, are the Respondents.

RETURN TO MOTION FOR ATTORNEY FEES AND COSTS

Respondents oppose Appellants' Motion for Attorney Fees and Costs. This appeal involved a series of issues regarding mayoral authority in the Town of Chapin, including authority to approve agenda items for council meetings and to make administrative hiring decisions, among others. Respondents—who appeared in this case only in their official capacities—won this appeal on every issue in dispute with the limited exception of authority to approve agenda items for special meetings called by a majority of councilmembers, including affirmance of both the circuit court's March 18, 2014 and April 8, 2014 orders. In fact, at oral argument, Appellants conceded the impropriety of their

appeal of these orders and withdrew their position on every single point in dispute other than the “special meeting agenda” issue.

Accordingly, the Court should deny Appellants’ motion for fees and costs. *See* Rule 222(a), SCACR (“When an appeal is affirmed or reversed in part or is vacated, costs shall be allowed only as ordered by the appellate court.”). Alternatively, the Court should offset the amount sought by Appellants by the amount sought in Respondents’ cross-motion for costs.

Respectfully submitted,

WOMBLE BOND DICKINSON (US) LLP

By: 

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Attorneys for the Respondents

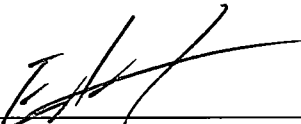
November 9, 2017
Columbia, South Carolina

PROOF OF SERVICE

I, the undersigned Legal Secretary of the law offices of Womble Bond Dickinson (US) LLP, Attorneys for Respondents, do hereby certify that I have served the below parties in this action with a copy of the pleading(s) specified below by mailing a copy of the same, postage prepaid, to the following address(es):

Pleading: Return to Motion for Attorney Fees and Costs

Parties Served: Spencer Andrew Syrett
712 Richland Street, Suite E
Post Office Box 7403
Columbia, SC 29202
Attorney for Appellants



Edwin T. Mathis

November 9, 2017

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SC Court of Appeals



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November 9, 2017

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

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SC Court of Appeals

Re: Vivian Atkins v. James R. Wilson, Jr.
Appellate Case No. 2014-000829

Dear Ms. Kitchings:

Please find enclosed Respondents' Return to Motion for Attorney Fee and Costs, Respondents' Cross-Motion for Attorney's Fees and Costs and Itemized Statement for Costs, and \$25 filing fee in regards to the case above, along with 7 copies of each. Please file the originals and return clocked copies in the enclosed envelope.

With kind regards, I remain

Very truly yours,

M. Todd Carroll

MTC/tm
Enclosures

cc: Spencer Andrew Syrett (via United States mail)

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