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THE STATE OF SOUTH CAROLINA
In The Appellate Court

APPEAL FROM YORK COUNTY
Court of Common Pleas

Lee S. Alford, Circuit Court Judge
McDonald, Short, and Geathers, Court of Appeals Judges

RECEIVED
NOV 30 2017
SC Court of Appeals

Appellate Case No. 2014-000821

THE WINTHROP UNIVERSITY TRUSTEES
FOR THE STATE OF SOUTH CAROLINA,

Respondent,

v.

PICKENS ROOFING AND SHEET METALS, INC.,

Appellant.

RESPONDENT'S MOTION FOR COSTS

Pursuant to Rule 222 of the South Carolina Appellate Court Rules, Respondent, The Winthrop University Trustees for the State of South Carolina, moves this Court to tax costs against the appellant incurred during appeal. In support of said motion, Respondent shows the Court as follows:

1. The Winthrop University Trustees for the State of South Carolina obtained a verdict in its favor for the state court action filed in York County, South Carolina with case number 2012-CP-46-3151 on March 21, 2014.
2. Pickens Roofing and Sheet Metals, Inc. (hereinafter "Pickens") filed its Notice of Appeal of the State Court ruling on April 21, 2014 (appellate case number 2014-000821).

3. The Appellate Court issued Opinion Number 5433 on August 3, 2016 affirming the trial court's verdict.

4. Pickens filed a Petition for Rehearing on August 18, 2016. The Appellate Court denied Pickens' petition on October 21, 2016.

6. Pickens filed a Petition for a Writ of Certiorari on November 21, 2016 (case number 2016-002336). The Supreme Court denied the Writ of Certiorari in its Order dated November 15, 2017 (see Exhibit A).

7. Pursuant to Rule 222(a) of the South Carolina Appellate Court Rules, costs shall be taxed against the appellant when the appeal is dismissed or judgment on appeal is affirmed.

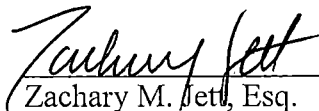
8. Respondent is entitled to costs in the amount of \$1,841.35 as outlined in Form 17: Itemized Statement of Costs, attached hereto as Exhibit B.

WHEREFORE, Respondent prays this Court,

1. Enter an Order Taxing Costs Against Appellant in the amount of \$1,841.35; and,
2. For such other and further relief as the Court deems just and proper.

This the 29th day of November, 2017.

BUTLER WEIHMULLER KATZ CRAIG LLP



Zachary M. Jett, Esq.

SC Bar No.: 100484

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Peter W. Vogt, Esq.

Admitted *Pro Hac Vice*

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Phone: (704) 543-2321

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Counsel for Respondent

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FOR THE STATE OF SOUTH CAROLINA,

Respondent,

v.

PICKENS ROOFING AND SHEET METALS, INC.,

Appellant.

ORDER TAXING COSTS AGAINST APPELLANT

THIS CAUSE coming before the Court for decision without hearing on Respondent's Motion for Costs;

THE COURT FINDS AND CONCLUDES that the Motion is fair and reasonable and should be allowed in the interest of justice.

IT IS THEREFORE ORDERED that Appellant, Pickens Roofing and Sheet Metals, Inc., shall pay Respondent, The Winthrop University Trustees for the State of South Carolina, the amount of \$1,841.35

[SIGNATURES ON FOLLOWING PAGE]

J.

J.

J.

Columbia, South Carolina

Date

The Supreme Court of South Carolina

The Winthrop University Trustees for the State of South
Carolina, Respondent,

v.

Pickens Roofing and Sheet Metals, Inc., Petitioner.

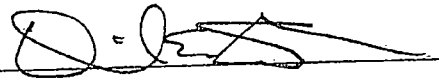
Appellate Case No. 2016-002336
Lower Court Case No. 2012-CP-46-03151

ORDER

Based on the vote of the Court, the petition for a writ of certiorari is denied.

FOR THE COURT

BY



CLERK

Columbia, South Carolina

November 15, 2017

cc:

Kirby Darr Shealy, III, Esquire
Lyndey Ritz Zwingelberg, Esquire
Zachary Mason Jett, Esquire
Peter W. Vogt, Esquire
The Honorable David Hamilton
The Honorable Jenny Abbott Kitchings

EXHIBIT A

THE STATE OF SOUTH CAROLINA
In The Appellate Court

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Court of Common Pleas

Lee S. Alford, Circuit Court Judge
McDonald, Short, and Geathers, Court of Appeals Judges

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v.

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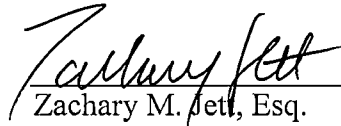
Appellant.

PROOF OF SERVICE

I certify that I have served Respondent's Motion for Costs by depositing a copy of it in the United States Mail, postage prepaid, on November 29th, 2017, addressed to its attorneys of record, Kirby D. Shealy III, Esquire and Lyndey Ritz Zwingelbert, Esquire, at 1501 Main Street, Fifth Floor, Columbia, South Carolina 29201.

[SIGNATURE BLOCK ON NEXT PAGE]

This the 29th day of November, 2017.



Zachary M. Jett, Esq.

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Admitted *Pro Hac Vice*

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Charlotte, North Carolina 28277

Phone: (704) 543-2321

Facsimile: (704) 543-2324

Counsel for Respondent

November 29, 2017

VIA UPS OVERNIGHT MAIL

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

RECEIVED
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SC Court of Appeals

Re: *The Winthrop University Trustees v. Pickens Roofing & Sheet Metals, Inc.*
Appellate Case No.: 2014-000821
Butler Pappas File No.: 2868-1003218

Dear Ms. Kitchings:

Enclosed for filing in the above-referenced matter are the original and seven copies of Respondent's Motion for Costs with corresponding proposed order for consideration. Also enclosed is the required motion filing fee.

I would appreciate your filing the Motion and returning one filed copy to my attention in the enclosed self-addressed stamped envelope. By copy of this letter, I am serving opposing counsel with Respondent's Motion for Costs as set forth in the enclosed Proof of Service.

Thank you for your attention to this matter. Please do not hesitate to contact me should you have any questions or need anything further.

Sincerely,

BUTLER WEIHMULLER KATZ CRAIG LLP



Zachary M. Jett
zjett@butler.legal

ZMJ:jlh

Enclosures

CC: Kirby Shealy, III, Esq. / Lyndey Ritz Zwingelberg, Esq. (w/enc)

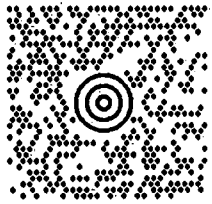
JENNIFER HUBER
(704) 543-2321
BUTLER WEIHMULLER KATZ CRAIG
11605 N COMMUNITY HOUSE RD
CHARLOTTE NC 28277

0.0 LBS LTR

1 OF 1

SHIP TO:

HONORABLE JENNY ABBOTT KITCHINGS
(803) 734-1890
SOUTH CAROLINA COURT OF APPEALS
1220 SENATE STREET
COLUMBIA SC 29201



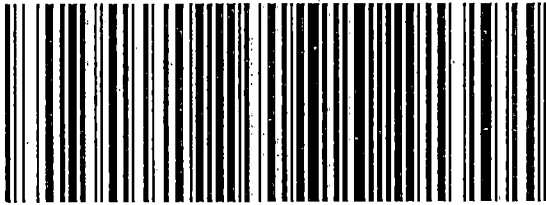
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SC Court of Appeals

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