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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM DORCHESTER COUNTY COURT OF COMMON PLEAS

The Hon. Diane S. Goodstein, Circuit Court Judge

Appellate Case No.: 2015-000599

RECEIVED
JAN 26 2018
SC Court of Appeals

Live Oak Village Homeowners Association, Inc.,
Jennifer McFarland, Carlton Holcombe
and Ute Holcombe,

Plaintiffs,

Of whom Live Oak Village Homeowners Association, Inc.,
Jennifer McFarland and Carlton Holcombe are

The Appellants,

v.

Thomas Morris, David Hannemann, Sofia Mazell
and Michael Mazell,

Respondents.

Sofia Mazell and Michael Mazell,

Third-Party Plaintiffs,

v.

William McFarland,

Third-Party Defendant.

**NOTICE OF MOTION AND MOTION TO TAX COSTS, INCLUDING AN ATTORNEY'S
FEE, AGAINST APPELLANT LIVE OAK VILLAGE HOA PURSUANT TO RULE 222
OF THE SOUTH CAROLINA RULES OF APPELLATE PROCEDURE**

PLEASE TAKE NOTICE that Respondents Sofia Mazell and Michael Mazell ("Respondents Mazell") will move this Court upon the Affidavit of their counsel, William B. Jung, Esq., sworn to January 26, 2018, pursuant to Rule 222 of the South Carolina Rule of Appellate Procedure, to assess and tax costs totaling \$1,083.34, representing

an attorney's fee of \$1,000.00 and costs of \$83.34 for printing Respondents' Final Brief, against Appellant Live Oak Village Homeowners Association, Inc. ("Appellant HOA") based upon this Court's dismissal of Appellant HOA's Appeal and the Supreme Court's denial of Appellant HOA's Petition for a Writ of Certiorari.

WHEREFORE, Respondents and their counsel pray for an Order awarding \$1,083.34 in taxable costs against Appellant HOA and in favor of the Respondents.

Dated: Mount Pleasant, S.C.
January 26, 2018

Respectfully submitted,

WILLIAM B. JUNG, ESQ.



William B. Jung, Esq. (#0068788)
1156 Bowman Road, Ste. 200
Mount Pleasant, S.C. 29464
(843) 576-4200

Attorney for the Respondents
Sofia Mazell and Michael Mazell

personal knowledge of the following averments, which I represent are true and correct statements of fact. I submit this affidavit in support of Respondents Mazell's motion to tax costs and attorney's fees against Appellant Live Oak Village Homeowners Association, Inc. ("Appellant HOA"), pursuant to Rule 222 of the South Carolina Rules of Appellate Procedure.

2. Respondents Mazell were the successful parties on this Appeal, which upheld the dismissal of the claims brought against them in the name of Appellant HOA by this Court's Unpublished Opinion No. 2016-UP-519, Filed December 21, 2016. Appellant HOA's subsequent Petition for Rehearing was denied by this Court's Order filed March 23, 2017.

3. On May 9, 2017, Appellant Live Oak Village Homeowners Association, Inc. served a Petition for a Writ of Certiorari with the Supreme Court of South Carolina. Respondents Mazell served their Return on May 11, 2017. By Order dated January 12, 2018, the Supreme Court denied Respondent's Petition for a Writ of Certiorari. On January 23, 2018, this Court issued a Remittur to the Clerk of Court for the Dorchester County Court of Common Pleas.

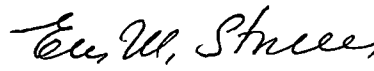
4. Pursuant to Appellate Rule 222(b), Respondents Mazell seek an attorney's fee of \$1,000.00 for dismissal of Appellant HOA's Appeal against them in the Court of the Appeals. In addition to the allowable \$1,000.00 attorney's fee provided by Rule 222(b), Respondents Mazell incurred the following taxable costs: (1) \$83.34 in printing the Respondents Mazell' Final Brief. A copy of the Invoice from ProLegal Copies for printing of Respondents Mazell' Brief is attached as Exh. "1."

WHEREFORE, Respondents Mazell pray for an Order awarding \$1,038.34 in costs against Appellant HOA and in favor of Respondents Mazell as provided in Rule 222(b) of the South Carolina Rules of Appellate Procedure.



WILLIAM B. JUNG, ESQ.

Sworn to before me this 26th
Day of January, 2018.



Notary Public for South Carolina

My Commission Expires: 05-19-2025

EXHIBIT "1"

PLC
PROLEGAL COPIES

Charleston

INVOICE

Date	Invoice #
12/29/2015	CHS142216

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Brad Jung WILLIAM B. JUNG ATTORNEY AT LAW Bowman Center 1156 Bowman Road, Ste. 200 Mount Pleasant, SC 29464

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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM DORCHESTER COUNTY COURT OF COMMON PLEAS

The Hon. Diane S. Goodstein, Circuit Court Judge

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Live Oak Village Homeowners Association, Inc.,
Jennifer McFarland, Carlton Holcombe
and Ute Holcombe, Plaintiffs,

Of whom Live Oak Village Homeowners Association, Inc.,
Jennifer McFarland and Carlton Holcombe are The Appellants,

v.

Thomas Morris, David Hannemann, Sofia Mazell
and Michael Mazell, Respondents.

Sofia Mazell and Michael Mazell, Third-Party Plaintiffs,

William McFarland, Third-Party Defendant.

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v.

**MEMORANDUM OF LAW IN SUPPORT OF RESPONDENTS' MOTION
TO RECOVER AN AWARD OF COSTS AGAINST APPELLANT HOA**

Respondents Sofia Mazell and Michael Mazell ("Respondents Mazell"), by their attorney, William B. Jung, Esq., submit this Memorandum in support of their motion pursuant to Rules 222(b) of the South Carolina Rules of Appellate Procedure to recover an award of costs, including attorney's fees, following this Court's dismissal of Appellant HOA's Appeal of the trial court's order to dismiss the Appellant HOA's claims against

Respondents Mazell and the Supreme Court's denial of Appellant HOA's Petition for a Writ of Certiorari.

Appellate Procedure Rule 222(b) of the South Carolina Rules of Appellate Procedure provides that a respondent is entitled to recover costs when the Court of Appeals dismisses an appeal. *Id.* By Unpublished Opinion 2016-UP-519 filed December 21, 2016, this Court upheld the trial court's dismissal of Appellant HOA's claims against Respondents Mazell. By Order dated March 23, 2017, this Court denied Appellant. By Order dated January 12, 2018, the South Carolina Supreme Court denied Appellant HOA's Petition for a Writ of Certiorari. On January 23, 2018, this Court issued a Remittur to the Clerk of Court for the Dorchester County Court of Common Pleas.

As set forth in the attached affidavit of William B. Jung, Esq, Respondents Mazell incurred the following costs: (1) \$83.34 in printing the Respondents' Final Brief. In addition, Respondents Mazell seek recovery of attorney's fees of \$1,000.00. These are all authorized costs under Rules 222(b) of the South Carolina Rules of Appellate Procedure, and Respondents respectfully submit that the gross sum of \$1,083.34 in costs be taxed against the Appellant HOA and in favor of Respondents Mazell.


Conclusion

For the foregoing reasons, Respondents Mazell respectfully request that \$1,083.234 in costs be assessed against Appellant Live Oak Village Homeowners Association, Inc. and in favor of Respondents Mazell as provided in Rules 222(b) of the

South Carolina Rules of Appellate Procedure.

Dated: Mount Pleasant, S.C.
January 26, 2018

WILLIAM B. JUNG, ESQ.


William B. Jung, Esq. (#0068788)
1156 Bowman Road, Ste. 200
Mount Pleasant, S.C. 29464
(843) 576-4200

Attorney for the Respondents Mazell

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In the Court of Appeals

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v.

Thomas Morris, David Hannemann, Sofia Mazell
and Michael Mazell,

Respondents.

Sofia Mazell and Michael Mazell,

Third-Party Plaintiffs,

v.

William McFarland,

Third-Party Defendant.

PROOF OF SERVICE OF MOTION TO TAX COSTS

I, William B. Jung, Esq., counsel for Respondents Mazell, certify under penalty of perjury that on January 26, 2018, I served a copy of Respondents Mazell's Motion to tax costs and an attorney's fee against Appellant HOA by mailing a true copies thereof to all counsel of record, including counsel for Appellant HOA, by first class postage paid, addressed to the following counsel:

William W. Watkins, Esq.
Wall, Templeton & Haldrup
145 King Street, Ste. 300
P.O. Box 1200
Charleston, S.C. 29402

Lydia P. Davidson, Esq.
Krawchek & Davidson
9 State Street
Charleston, S.C. 29401

Steven L. Brown, Esq.
Russell G. Hines, Esq.
Young Clement Rivers
25 Calhoun Street, Ste. 400
P.O. Box 993
Charleston, S.C. 29401

Dated: January 26 , 2018



William B. Jung, Esq. (#0068788)
1156 Bowman Road, Ste. 200
Mount Pleasant, S.C. 29464
(843) 576-4200

Attorney for Respondents Mazell

ADMITTED
SOUTH CAROLINA
NEW YORK

WILLIAM B. JUNG, ESQ.
BOWMAN CENTER
1156 BOWMAN ROAD, STE. 200
MOUNT PLEASANT, S.C. 29464
PHONE (843) 576-4200
FAX (855) 319-2736
EMAIL: bradjung@msn.com
WEBSITE: bradjungattorney.com

January 26, 2018

The Hon. Jenny Abbott Kitchings
Clerk of Court
S.C. Court of Appeals
1220 Senate Street
P.O. Box 11629
Columbia, S.C. 29211

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JAN 26 2018

SC Court of Appeals

Re: Live Oak Village Homeowners Association, Inc. v. Thomas Morris,
et al.
Appellate Case No.: 2015-000599

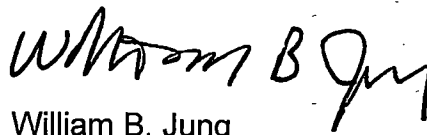
Dear Madame Clerk:

I represent Respondents Sofia Mazell and Michael Mazell on the above appeal.

I am writing to file Respondents Mazell's Motion to assess for costs and attorney's fees against the Appellant. An original and 6 copies of the Motion with supporting Affidavit and Memorandum are enclosed. A proof of service is attached to the Motion as is my check for \$25.00. Also enclosed are an original and six copies of the Cost Matrix with certification of counsel. I am mailing a copy of this letter and a copy of all of the enclosures to all counsel noted below.

Please file the same. Thank you for your courtesy.

Sincerely yours,



William B. Jung

WBJ:wbj
Encl.
cc. All Counsel of Record

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MOUNT PLEASANT, S.C. 29464

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