

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Thomas Russo, Circuit Court Judge

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Appellate Case No. 2016-001632  
Case No. 2011-CP-10-5774

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**RECEIVED**

MAY 11 2018

S.C. SUPREME COURT

Pavilion Development Corp. & Larry McNair ..... Appellants,

v.

Nexsen Pruet, LLC.....Respondent,

v.

DC & Sons, LLC..... Counterclaim Defendant.

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**MOTION FOR COSTS**

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Pursuant to Rule 222 of the South Carolina Appellate Court Rules, Respondent Nexsen Pruet, LLC, moves this Court for an order awarding costs and attorney's fees to Respondent.

Rule 222(a) provides that “[u]nless otherwise ordered by the appellate court or agreed upon by the parties, costs shall be taxed against the appellant[s] when the appeal is dismissed or judgment on appeal is affirmed.” Rule 222(a), SCACR. Additionally, Rule 222(b) provides the respondent “shall be entitled to recover an attorney’s fee in an amount which shall be set by order of the Supreme Court.” Rule 222(b), SCACR. The current fee allowed by the Supreme Court is \$2,500. Order, *Attorney’s Fees Under*

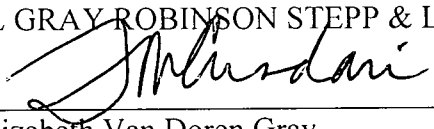
*Rules 222 and 242 of the South Carolina Appellate Court Rules*, No. 2018-01-17-02  
(S.C. Sup. Ct. filed Jan. 17, 2018) (Shearouse Adv. Sh. No. 3 at 16).

On August 3, 2016, Appellants Pavilion Development Corp. & Larry McNair appealed the circuit court's order denying Appellants' motion to amend the complaint. Respondent moved to transfer this case to this Court on November 21, 2016. On February 9, 2017, this Court granted the motion to transfer. The parties filed written briefs, and on March 27, 2018, this Court heard oral argument. On April 11, 2018, this Court issued an opinion affirming the circuit court's order pursuant to Rule 220(b)(1), SCACR. On April 27, 2018, the remittitur was issued. This motion is being filed within fifteen (15) days of the issuance of the remittitur as required by Rule 222(d), SCACR.

Therefore, pursuant to Rule 222(a), SCACR, Respondent requests an order requiring Appellants to pay attorney's fees in the amount of \$2,500 and costs in the amount of \$125.89. Attached to this motion as **Exhibit A** is a sworn, itemized statement of costs that may be recovered by Respondent.

SOWELL GRAY ROBINSON STEPP & LAFFITTE, LLC

By: \_\_\_\_\_

  
Elizabeth Van Doren Gray

Tina Cundari

Benjamin R. Gooding

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(803) 929-1400

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*Attorneys for Respondent*

Columbia, South Carolina  
May 11, 2018

# **EXHIBIT A**

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**ITEMIZED STATEMENT OF COSTS**

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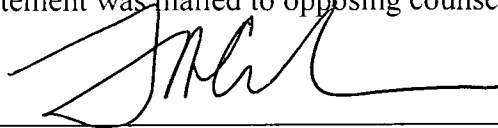
The Supreme Court is requested to tax the following costs against Appellants

Pavilion Development Corp. & Larry McNair:

COSTS TAXABLE UNDER RULE 222, SCACR	NO. OF PAGES	RATE	REQUESTED	ALLOWED (For Court Use Only)
Cost of Printing or Copying Final Brief		Invoice attached.	\$107.89	
Cost of Printing or Copying Final Reply Brief				
Cost of Printing or Copying Record on Appeal				

Filing Fee Paid Under Rule 203(d), SCACR				
Cost of Court Reporter's Transcript		Invoice attached.	\$18.00	
Attorney's Fee Provided By Rule 222(b), SCACR			\$2,500.00	
Other (specify and explain):				
		TOTAL	\$2625.89	

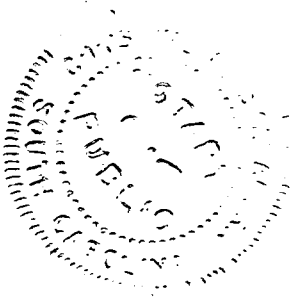
I, Tina Cundari, do swear or affirm that the foregoing costs are correct and were necessarily incurred in this action. A copy of this statement was mailed to opposing counsel.



Tina Cundari  
*Attorney for Respondent*

Subscribed and sworn to before me  
this 11<sup>th</sup> day of May, 2018

Christine L. Skalamere  
Notary Public for South Carolina  
My Commission Expires: 3/24/2025





# Invoice

Date	Invoice #
8/18/2017	4119040

<b>Bill To</b>
SOWELL GRAY ROBINSON STEPP & LAFFITTE 1310 GADSDEN STREET COLUMBIA, SC 29201

<b>Ship To</b>
SOWELL GRAY ROBINSON STEPP & LAFFITTE 1310 GADSDEN STREET COLUMBIA, SC 29201

Job Number	Client Matter Number	Contact	Terms	Due Date	Due Time
C-592	5347-1509	Christine	Net 30	9/17/2017	8/18
Description			Quantity	Rate	Amount
COPY(IES) OF B/W 8.5 x 11 ORIGINAL(S)			414	0.10	41.40T
Coil Binding - 7MM - 38MM			18	3.25	58.50T

Remit Payment To:  
NOVA Office Strategies, Inc  
129 W Trade Street  
Suite 1420  
Charlotte, NC 28202-5314

Contact Us at  
Phone # 704.347.0055  
Fax # 704.347.3421  
[www.novaoffice.net](http://www.novaoffice.net)

<b>Subtotal</b>	\$99.90
<b>Sales Tax (8.0%)</b>	\$7.99
<b>Total</b>	\$107.89

# INVOICE

Ruth C. Weese, RDR  
1254 Apex Lane  
Charleston, SC 29412  
[rweese@sccourts.org](mailto:rweese@sccourts.org)

SOLD TO:  
Tina Cundari, Esq.  
1310 Gadsden Street  
PO Box 11449  
Columbia, SC 29211

INVOICE DATE: April 12, 2106

SHIPPED TO:  
Same

CAPTION:  
Pavilion Development Corp v. Nexsen Pruet, et al.  
2011-CP-10-5774.

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
1	Transcript of 3-30-16 hearing	.75 per page	\$18.00
Total due			18.00

Payment may be made in the form of a law firm check, cashier's check or money order payable to Ruth Weese

Thank you for your business.

*Ruth C. Weese*

NOTE: PURSUANT TO RULE 607(h)(1)(b) SCACR " A court reporter shall receive a fee of \$.75 per page for furnishing a copy of a previously prepared transcript."

All requests for copies of the attached transcript from opposing party or non-parties should be sent to:

Ruth C. Weese, 1254 Apex Lane, Charleston, SC 29412

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PROOF OF SERVICE

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I, the undersigned, of the law offices of Sowell Gray Robinson Stepp & Laffitte, LLC, attorneys for Respondent, certify that I have served all counsel of record in this action with a copy of the Motion for Costs by placing copies of same by U.S. Mail and electronic mail, on May 11, 2018, to:

Andrew Epting, Esq.  
Michelle N. Endemann, Esq.  
46A State Street  
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[mne@epting-law.com](mailto:mne@epting-law.com)

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(S.C. Bar No. 71951)  
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