

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Michael G. Nettles, Circuit Court Judge

Appellate Case No. 2016-000460

RECEIVED

JUL 11 2018

S.C. SUPREME COURT

DomainsNewMedia.com, LLC,

Respondent,

v.

Hilton Head Island-Bluffton Chamber of Commerce,

Appellant.

MOTION FOR COSTS

Pursuant to Rule 222, SCACR, Appellant Hilton Head Island-Bluffton Chamber of Commerce (“Appellant”) moves this Court for an order awarding Appellant costs and attorney’s fees associated with this appeal. The motion for costs should be granted because this Court reversed the judgment of the circuit court and held in favor of Appellant. For this reason, costs should be taxed against Respondent DomainsNewMedica.com, LLC (“Respondent”) in the amount set forth in Exhibit A.

Under the appellate court rules, “[w]hen a judgment is reversed, costs shall be taxed against the respondent unless the court orders otherwise.” Rule 222(a), SCACR. Additionally, “[t]he party entitled to recover costs under this rule” may recover various costs associated with the appeal and “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. By order of the Supreme Court, the amount

of attorney's fees that may be recovered is \$2,500.00. 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).

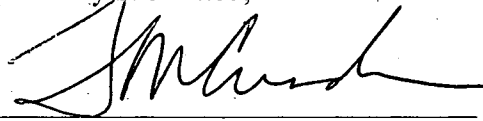
In this case, on February 22, 2016, the circuit court granted summary judgment in favor of Respondent, ruling that Appellant was a public body subject to the Freedom of Information Act (FOIA). On March 3, 2016, Appellant filed a notice of appeal seeking a review of the circuit court's order. That same day, Appellant filed a motion to transfer this case to the South Carolina Supreme Court, which Respondent did not oppose. On June 16, 2016, the Supreme Court granted the motion to transfer.

On October 19, 2017, following briefing by the parties, this Court heard oral argument. On May 23, 2018, this Court issued an opinion reversing the circuit court's order and holding that Appellant was not a public body subject to FOIA. On June 26, 2018, this Court denied the petition for rehearing and issued the remittitur. This motion for costs, filed within fifteen (15) days of the issuance of the remittitur as required by Rule 222(d), SCACR, is timely filed.

Because this Court reversed the circuit court's order and held that Appellant is not a public body subject to FOIA, Appellant requests an order requiring Respondent to pay attorney's fees in the amount of \$2,500.00 and costs in the amount of \$1,962.00. Attached to this motion as **Exhibit A** is a sworn, itemized statement of costs permitted under Rule 222, SCACR.

[signature page follows]

Respectfully submitted,



Robert E. Stepp (SC Bar No. 5335)
Tina Cundari (SC Bar No. 71951)
ROBINSON GRAY STEPP & LAFFITTE, LLC
1310 Gadsden Street
Columbia, South Carolina 29201
803-939-1400
rstepp@sowellgray.com
tcundari@sowellgray.com

Attorneys for Appellant

Columbia, South Carolina
July 11, 2018

EXHIBIT A

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Michael G. Nettles, Circuit Court Judge

Appellate Case No. 2016-000460

DomainsNewMedia.com, LLC,

Respondent,

v.

Hilton Head Island-Bluffton Chamber of Commerce,

Appellant.

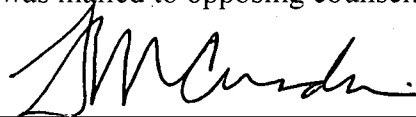
ITEMIZED STATEMENT OF COSTS

Appellant Hilton Head Island-Bluffton Chamber of Commerce requests that the Supreme Court tax costs against Respondent DomainsNewMedia.com, LLC, as follows:

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	\$1,680.00	
Cost of Printing or Copying Final Reply Brief			included above	
Cost of Printing or Copying Record on Appeal			included above	
Filing Fee Paid Under Rule 203(d), SCACR			\$100.00	
Cost of Court Reporter's Transcript		Invoice attached	\$182.00	

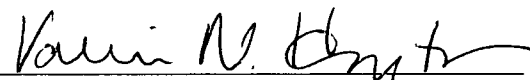
Attorney's Fee Provided by Rule 222(b), SCACR			\$2,500.00	
Other (specify and explain):				
		TOTAL	\$4,462.00	

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 Appellant

Subscribed and sworn to before me
this 11th day of July, 2018



Notary Public for South Carolina
My Commission Expires: April 27, 2027



Invoice

Date	Invoice #
6/14/2017	4117567

Bill To
SOWELL GRAY ROBINSON STEPP & LAFFITTE 1310 GADSDEN STREET COLUMBIA, SC 29201

Ship To
SOWELL GRAY ROBINSON STEPP & LAFFITTE 1310 GADSDEN STREET COLUMBIA, SC 29201

Job Number	Client Matter Number	Contact	Terms	Due Date	Due Time
C4368	6515-1501	REBECCA	Net 30	7/14/2017	06/13
Description		Quantity	Rate	Amount	
COPY(IES) OF B/W 8.5 x 11 ORIGINAL(S)		13,898	0.10	1,389.80T	
Coil Binding - 7MM - 38MM		51	3.25	165.75T	

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

Subtotal	\$1,555.55
Sales Tax (8.0%)	\$124.45
Total	\$1,680.00

Federal Tax ID# 56-2120639

SHARON L. VIZER
CIRCUIT COURT REPORTER
PO BOX 1413
Johns Island, SC 29457
svizer@sccourts.org

March 20, 2016

Sowell & Gray
PO Box 11449
Columbia, SC 29211

Attention: Robert E. Stepp, Esquire

In Re: Transcript Request
DomainsNewMedia.com, LLC vs. Hilton Head Island-Bluffton Chamber of
Commerce
Case No. 2013-CP-07-00080
January 27, 2016 Hearing
Before the Honorable Michael Nettles
SGS&L No. 6515/1500

Dear Mr Stepp:

I have received your letter requesting information on obtaining a transcript for the hearing that took place on January 27, 2016 before Judge Nettles. If you wish to order a transcript, please forward to me a check in the amount of \$182.00 for regular delivery or \$238.00 for expedited delivery (one week).

I am given 60 days to prepare all transcripts of record that are not expedited. Extensions of time may be granted, if necessary. My time to prepare the transcript will not commence until receipt of payment.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Sharon L. Vizer
Circuit Court Reporter

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Michael G. Nettles, Circuit Court Judge

Appellate Case No. 2016-000460
Case No. 2013-CP-07-0080

RECEIVED
JUL 11 2018
S.C. SUPREME COURT

DomainsNewMedia.com, LLC, Respondent,

v.

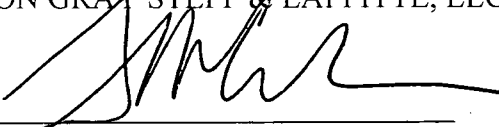
Hilton Head Island-Bluffton Chamber of Commerce, Appellant.

PROOF OF SERVICE

I certify that I have caused the Motion of Costs of Appellant to be served upon Respondent by hand delivering a copy of it on July 11, 2018, addressed to its attorney of record, Taylor M. Smith, at his office at Harrison & Radeker, PA, 923 Calhoun Street, Columbia, South Carolina, 29201.

ROBINSON GRAY STEPP & LAFFITTE, LLC

By: _____


Robert E. Stepp (SC Bar No. 5335)
Tina M. Cundari (SC Bar No. 71951)
1310 Gadsden Street
Columbia, South Carolina 29201
803-929-1400
rstepp@sowellgray.com
tcundari@sowellgray.com
bdurant@sowellgray.com

Attorneys for Appellant