

STATE OF SOUTH CAROLINA  
In the Supreme Court

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APPEAL FROM ADMINISTRATIVE LAW COURT

The Honorable H.W. Funderburk, Jr., Administrative Law Judge

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Case No. 2017-000545

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**RECEIVED**

JUL 20 2018

S.C. SUPREME COURT

Melissa Spalt.....Respondent,

v.

South Carolina Department of Motor Vehicles and  
South Carolina Department of Public Safety.....Petitioner,

Of Whom the South Carolina Department of Motor Vehicles is the Petitioner,

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**MOTION FOR ATTORNEYS FEES AND COSTS**

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Michael Laubshire, Esq.  
455 Saint Andrews Road, Ste E-1  
Columbia, SC 29210-448  
(803)708-4755  
Attorney for Respondent

Frank L. Valenta, Jr.  
General Counsel  
Philip S. Porter  
Deputy General Counsel  
Brandy A. Duncan  
South Carolina Department of Motor Vehicles  
10311 Wilson Boulevard  
Post Office Box 1498  
Blythewood, SC 29016-0020  
(803) 896-9900  
Attorneys for the Petitioner

**NOW COMES** the Respondent, pursuant to Rule 222 and Rule 242, of the South Carolina Appellate Court Rules, and moves before this Honorable Court for an Order awarding attorney's fees and costs in the aforementioned case, in support of this motion the Respondent shows unto this court as follows:

1. The Respondent and Petitioner were served with the Remittitur from the Supreme Court of South Carolina on July 16, 2018; a copy is attached hereto as Exhibit 1.

2. The Respondent and her attorney have accrued costs and fees associated with this action. Respondent's Statement of Costs and Fees attached hereto as Exhibit 2.

3. Respondent and her attorney have had to defend this case before the South Carolina Court of Appeals and the appeal was dismissed. In addition, the motion for rehearing was denied.

4. Respondent is entitled to an award of attorney fees and costs as outlined in Respondent's Exhibit 2 associated with the action filed before the South Carolina Court of Appeals because the appeal was dismissed.

5. Respondent and her attorney have had to defend this case before the South Carolina Supreme Court and the appeal was dismissed.

6. Respondent is entitled to an award of attorney fees and costs as outlined in Respondent's Exhibit 2 associated with the action filed before the Supreme Court of South Carolina because the appeal was dismissed.

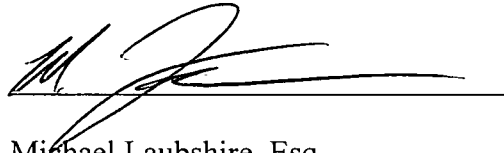
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**CONCLUSION**

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Based upon the above-mentioned arguments, The Respondent requests an Order of this Court requiring the Petitioner to pay attorney's fees and costs, as set forth in the Appellate Court Rules 222 and 242 associated with both the Court of Appeals dismissal and the Supreme Court dismissal, all costs of printing and fees associated both cases, the filing fee for this motion, and any other relief the Court deems just and proper.

Respectfully submitted,



Michael Laubshire, Esq.  
455 St. Andrews Rd., Ste. E-1  
Columbia, SC 29210-4487  
(803)708-4755 (Phone)  
(803)708-4888 (Fax)  
*Attorney for the Appellant*

July 20, 2018  
Columbia, SC

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**PROOF OF SERVICE**

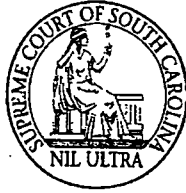
I HEREBY CERTIFY that I have served the Motion to Dismiss by depositing a copy of it  
in the United States Mail, postage prepaid, on the 15<sup>th</sup> day of March, 2017, addressed to the  
attorney for the Petitioner as follows:

Frank L. Valenta, Jr.  
General Counsel  
Philip S. Porter  
Deputy General Counsel  
Brandy A. Duncan  
South Carolina Department of Motor Vehicles  
10311 Wilson Boulevard  
Post Office Box 1498  
Blythewood, SC 29016-0020



Victoria L. Ford, Paralegal  
The Laubshire Law Firm

# **Exhibit 1**



# The Supreme Court of South Carolina

DANIEL E. SHEAROUSE  
CLERK OF COURT

BRENDA F. SHEALY  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330  
COLUMBIA, SOUTH CAROLINA  
29211

1231 GERVAIS STREET  
COLUMBIA, SOUTH CAROLINA 29201

TELEPHONE: (803) 734-1080

FAX: (803) 734-1499

[www.sccourts.org](http://www.sccourts.org)

July 13, 2018

The Honorable Jana E. Shealy  
Clerk, Administrative Law Court  
Edgar A. Brown Building  
1205 Pendleton Street, Suite 224  
Columbia SC 29201

## REMITTITUR

Re: Melissa Spalt v. SCDMV  
Lower Court Case No. 2015-ALJ-210431AP  
Appellate Case No. 2017-000545

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court along with the earlier decision of the South Carolina Court of Appeals is enclosed.

Very truly yours,

CLERK

cc:

Brandy Anne Duncan, Esquire

Frank L. Valenta, Jr., Esquire

Philip S. Porter, Esquire

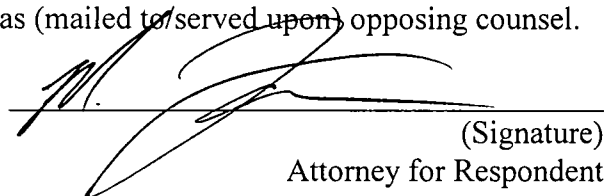
Michael Vincent Laubshire, Esquire

## **Exhibit 2**

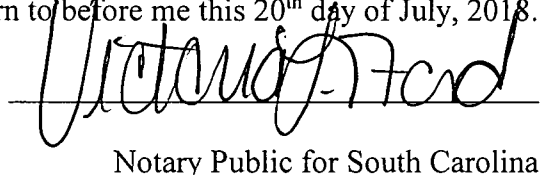


Cost of Printing or Copying Brief	15 copies of brief	6.55 plus tax	\$105.13	
Cost of Printing or Copying Reply Brief				
Cost of Printing or Copying Appendix				
Filing fee paid under Rule 242(c), SCACR				
Attorney's fee provided by Rule 242(j)(2), SCACR			\$2,500.00	
Other (specify and explain):	Cost of motion for atty fee		\$25.00	
		TOTAL	\$5,273.79	

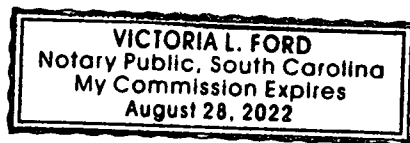
I, Michael Laubshire, do swear or affirm that the foregoing costs are correct and were necessarily incurred in this action. A copy of this statement was (mailed to/served upon) opposing counsel.

  
 (Signature)  
 Attorney for Respondent

Subscribed and sworn to before me this 20<sup>th</sup> day of July, 2018.

  
 Notary Public for South Carolina

My Commission Expires:08/28/2022



(Seal)

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AUG 06 2018

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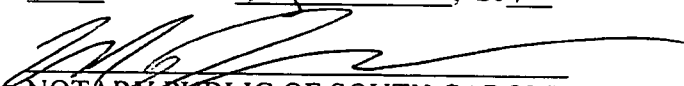
AMENDED PROOF OF SERVICE

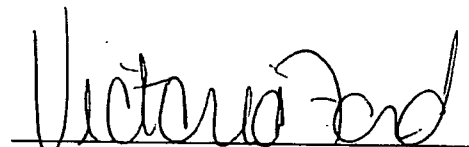
I HEREBY CERTIFY that on I have served the Motion to For Attorneys Fees by  
depositing a copy of it in the United States Mail, postage prepaid, on the 20<sup>th</sup> day of July, 2018,  
addressed to the attorney for the Petitioner as follows:

Frank L. Valenta, Jr.  
General Counsel  
Philip S. Porter  
Deputy General Counsel  
Brandy A. Duncan  
South Carolina Department of Motor Vehicles  
10311 Wilson Boulevard  
Post Office Box 1498  
Blythewood, SC 29016-0020

SWORN TO BEFORE ME THIS

2 DAY OF August, 2018

  
NOTARY PUBLIC OF SOUTH CAROLINA  
MY COMMISSION EXPIRES: 7/9/16

  
Victoria L. Ford, Paralegal  
Laubshire Law Firm