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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Hon. J.C. Nicholson, Jr., Circuit Court Judge

Case No. 2016-000474

RECEIVED
AUG 16 2018
SC Court of Appeals

C. Gordon Lovingood, Jr., C3 Investments, Inc., and PPC12, LLC,..... Appellants,

v.

Victor Apat; Anthony McAlister; J Eric Wade d/b/a CT Touring; and
Pearl CO., SC, LLC Defendants,

Of Whom Anthony McAlister, J. Eric Wade d/b/a CT Touring, and
Pearl CO., SC, LLC are Respondents.

RESPONDENTS' MOTION FOR COSTS AND FEES ON APPEAL

Respondents, by and through their counsel, pursuant to Rules 222 and 240 of the South Carolina Appellate Court Rules, hereby make this motion for costs and fees on appeal. This motion is supported by the attached affidavit of attorney Trudy H. Robertson and the itemized statement of costs and fees.

Appellant filed a Notice of Intent to Appeal on March 7, 2016, appealing the Order of the Circuit Court filed December 1, 2015 granting Defendants' Motion for Summary Judgment (the "December 1, 2015 Order"). The matter was briefed and submitted to the Court of Appeals on the record and briefs. Oral argument took place on May 9, 2018 and on June 27, 2018, the Court of Appeals affirmed the December 1, 2015 Order granting Defendants' Motion for Summary Judgment.

Appellant filed a motion for an extension of time to file a petition for rehearing. The Court of Appeals granted Appellant an extension until July 30, 2018, to file his petition for rehearing. On July 30, 2018 Appellant sent correspondence to the Court of Appeals stating Appellants did not intend to file a Petition for Rehearing. Remittitur followed on July 31, 2018.


Now, therefore, pursuant to Rule 222, SCACR, Respondents seek reimbursement for the following costs:

1. the cost of printing the Record on Appeal;
2. the cost of printing Respondents' Final Brief; and
3. the attorneys' fee award under Rule 222, SCACR.

In support of this motion, counsel for Respondents has submitted an affidavit and itemized statement of costs, thereby swearing to these exact costs incurred on appeal. Furthermore, Respondents seek reimbursement for attorneys' fees in the amount of \$2,500.00 under Rule 222(b), SCACR, as stated in the affidavit and itemized statement of costs as well.

Wherefore, in consideration of the above, Respondent seeks reimbursement for the total costs of \$77.86 which were incurred during this appeal, attorneys' fees in the amount allowed of \$2,500.00, and any such further relief the Court deems appropriate.

This the 14th day of August, 2018.


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Trudy H. Robertson
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ATTORNEYS FOR RESPONDENTS

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Of Whom Anthony McAlister, J. Eric Wade d/b/a CT Touring, and
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**AFFIDAVIT IN SUPPORT OF RESPONDENTS' MOTION
FOR COSTS AND FEES ON APPEAL**

PERSONALLY appeared before me, Trudy H. Robertson, who, being duly sworn, on
oath, deposes and says that:

1. I am over eighteen (18) years old. I am competent to give this Affidavit, and
it is based upon my own personal knowledge.

2. I am familiar with the costs and fees incurred by Respondents in the appeal
process in this matter before the Court of Appeals.

3. Pursuant to Rule 222, SCACR, Respondents seek reimbursement for the
following costs:

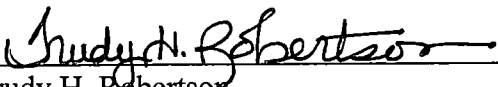
a. The cost of printing or copying the Record on Appeal: \$71.74; and

b. The cost of printing or copying Respondent's Final Brief: \$6.12.

4. The aforesaid costs in the total amount of \$77.86 are more fully exhibited by the Court's Itemized Statement of Costs and Fees.

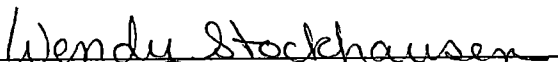
5. Respondents seeks recovery of the attorney fee award provided for in Rule 222(b), SCACR, in the amount set for by order of the Supreme Court, totaling \$2,500.00

Further, the Affiant sayeth naught.



Trudy H. Robertson
Moore & Van Allen PLLC
Its Member

SWORN to before me this 14th
day of August, 2018



Notary Public of South Carolina
My commission expires: 08-12-2004

Moore & Van Allen

August 14, 2018

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

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SC Court of Appeals

Trudy Hartzog Robertson
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Re: C. Gordon Lovingood, Jr., et al, et al., v. Anthony McAllister, et al.
Appellate Case No. 2016-000474
MVA File No. 038737

Dear Ms. Kitchings:

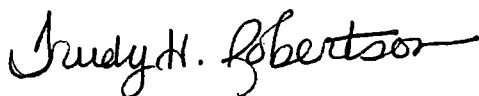
With regard to the above-referenced action, enclosed for filing please find the original and seven (7) copies of **Respondents' Motion for Costs and Fees on Appeal, Itemized Statement of Costs and Fees, Affidavit in Support of Motion and Proof of Service**. Also, enclosed please find a check in the amount of \$25.00 for the requisite filing fee.

Please file the originals and return a file stamped copy of each in the stamped, self-addressed envelope enclosed.

By copy of this letter, we are serving Appellants' attorney with a copy of the Motion and attachments.

Very truly yours,

Moore & Van Allen PLLC



Trudy H. Robertson

THR/ws

Enclosures as stated

cc w/enc.: David B. Marvel, Esquire

Charlotte, NC
Research Triangle Park, NC
Charleston, SC

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