

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM JASPER COUNTY

Court of Common Pleas

Thomas A. Russo, Circuit Court Judge

Appellate Case No. 2016-00148

**RECEIVED**

OCT 01 2018

SC Court of Appeals

South Carolina Public Interest Foundation and Edward D. Sloan, Jr., Denise G. Davidson, and Milton Woods, Jr., individually, and on behalf of all others similarly situated, ..... Appellants,

v.

Jasper County School District and the Hon. Berty Riley, in her official capacity as Chairman of the Board of Trustees of the Jasper County School District, ..... Respondents.

**APPELLANTS' RETURN TO  
RESPONDENTS' COSTS MOTION**

James G. Carpenter, S.C. Bar No. 1136  
THE CARPENTER LAW FIRM, PC  
819 E. North Street  
Greenville, South Carolina 29601  
(864) 235-1269  
Attorneys for Appellants

Other Counsel of Record:

Keith R. Powell, S.C. Bar No. 69292  
Duff & Chiles, LLC  
3700 Forest Dr., Suite 404  
Columbia, SC 29204  
(803) 790-0603  
Attorney for Respondents

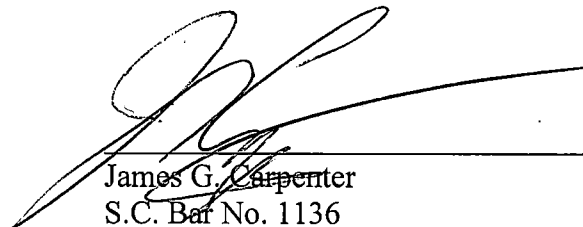
**NOW COME** the Appellants, by their undersigned attorney, and submit this Return to Respondents' Costs Motion. Respondent purports to request costs under SCACR 222(b). Appellants oppose the Motion. Rule 222(d) states: "If costs are being sought under (b) above, the motion shall be accompanied by a sworn, itemized statement of costs incurred in the form prescribed in the Appendix to these rules." (Emphasis added). Respondents did not comply with Rule 222(d).

First, Respondents failed to swear to, or affirm, the statement of costs, as required.

Second, Respondents failed to use the form required, Form 17, the as required "Itemized Statement of Costs," in the Appendices to Part II of the South Carolina Appellate Court Rules. Form 17 requires an orderly itemization of the costs claimed, setting out the number of pages, the rate, the cost requested, and whether the court allows each individual cost. Respondents failed to use Form 17, as required.

In conclusion, Respondents failed to comply with Rule 222, and Respondents' Costs Motion should be denied.

Respectfully submitted,  
THE CARPENTER LAW FIRM, P.C.



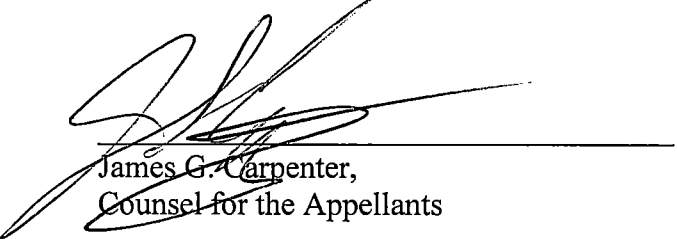
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Attorney for Appellants

September 28, 2018

**PROOF OF SERVICE**

The undersigned attorney for the Appellants certifies that he served a copy of the foregoing **Appellants' Return to Respondents' Costs Motion** upon counsel for Respondents by first class mail, postage prepaid, this September 28, 2018, addressed as follows:

Keith R. Powell, Esq.  
Duff & Chiles, LLC  
3700 Forest Dr., Suite 404  
Columbia, SC 29204



James G. Carpenter,  
Counsel for the Appellants

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WHEN IT'S WORTH FIGHTING FOR

JAMES G. CARPENTER  
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SERVING S.C. AND N.C.

September 28, 2018

The Honorable Jenny Abbott Kitchings  
Clerk of SC Court of Appeals  
PO Box 11629  
Columbia, SC 29211

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SC Court of Appeals

Re: *South Carolina Public Interest Foundation et al. vs. Jasper County School District, et al*  
Appellate Case No. 2016-001148

Dear Ms. Kitchings:

I enclose an original and seven copies of the Appellants' Return to Respondents' Costs Motion and Proof of Service. Please file-stamp the extra copy and return it to me in the enclosed postage paid envelope.

Thank you very much. If you need anything else, please telephone me.

Sincerely yours,  
THE CARPENTER LAW FIRM, PC

James G. Carpenter

Enclosures  
CC w/ enclosures: Keith R. Powell



THE CARPENTER LAW FIRM, P.C.  
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The Honorable Jenny A. Kitchings  
Clerk, SC Court of Appeals  
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