

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

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**RECEIVED**

NOV 15 2018

APPEAL FROM CLARENDON COUNTY  
Court of Common Pleas

S.C. SUPREME COURT

R. Ferrell Cothran, Jr., Circuit Court Judge

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Appellate Case No. 2018-001520

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Bucky Mock,

Respondent-Appellant,

v.

Clarendon County Board of Voter Registration &  
Elections, Clarendon County Democratic Party,  
LaNette Samuels-Cooper, South Carolina Democratic  
Party, and South Carolina Election Commission,

Defendants,

Of whom LaNette Samuels-Cooper is Appellant-Respondent,

And Clarendon County Board of Voter Registration &  
Elections, Clarendon County Democratic Party, South  
Carolina Democratic Party, and South Carolina Election  
Commission are Respondents.

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**RESPONDENT-APPELLANT BUCKY MOCK'S MOTION FOR COSTS ON APPEAL**

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Pursuant to Rule 222(d), SCACR, Respondent-Appellant Bucky Mock hereby submits this motion for costs on appeal. For the reasons set forth below, the Court should grant this motion and award costs.

This cross-appeal arose out of Mock's successful challenge to Appellant-Respondent LaNette Samuels-Cooper's qualifications to serve as coroner of Clarendon County in circuit court. On August 3, 2018, the Honorable R. Ferrell Cothran, Jr. issued an Order finding, in relevant part, that Samuels-Cooper did not meet the statutory qualifications for the office of coroner set forth in

section 17-5-130 of the South Carolina Code (2014). Judge Cothran not only held that Samuels-Cooper “is not currently qualified for the office of coroner,” but also found, “based on the testimony and evidence in the record, [she] will be unable to become qualified for the office within the one-year time period specified by statute.” Indeed, Samuels-Cooper did not meet the qualifications for office because she lacked the requisite one year of experience in death investigations. See S.C. Code Ann. § 17-5-130(A)(2)(c). Further, Samuels-Cooper could not become qualified for the office of coroner within one year of being elected, see S.C. Code Ann. § 17-5-130(A)(2)(e), because “she has not completed a recognized forensic science degree or certification program, nor is she enrolled in one.”

Nevertheless, Samuels-Cooper appealed the circuit court’s ruling to this Court. Mock cross-appealed the ruling in part, arguing that he was not required to exhaust administrative remedies with the Democratic Party prior to challenging her qualifications as a candidate and, in the alternative, it would have been futile to do so. On October 17, 2018, this Court issued an unpublished opinion affirming in part and dismissing as moot in part. Mock v. Clarendon Cty. Bd. of Voter Registration & Elections, Op. No. 2018-MO-034, at 1–2 (S.C. Sup. Ct. filed Oct. 17, 2018). The Court affirmed the circuit court’s ruling that Samuels-Cooper was not qualified to serve as coroner of Clarendon County and dismissed Mock’s notice of appeal on mootness grounds. Id. at 2. After Samuels-Cooper declined to file a petition for rehearing, the Court issued the remittitur to the lower court on November 2, 2018.

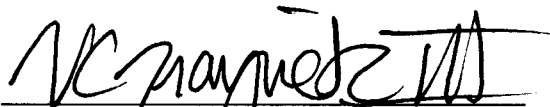
This matter is before the Court on Mock’s motion to recover from Samuels-Cooper the costs associated with this appeal because the circuit court’s judgment was affirmed and he is the prevailing party. See Rule 222(a), SCACR (asserting that “costs shall be taxed against the appellant when the . . . judgment on appeal is affirmed”). Specifically, Mock seeks all printing

costs allowed under Rule 222(b) as well as the \$2,500 attorney's fee set by Order of this Court. See Rule 222(b), SCACR (asserting that a "party entitled to recover costs" may, in relevant part, recover "the filing fee paid under Rule 203(d); . . . the cost of the court reporter's transcript; . . . the cost of printing the Record on Appeal under Rule 209; . . . the cost of printing the party's final brief(s) under Rule 210" as well as "an attorney's fee in an amount which shall be set by" this Court); Order, No. 2018-01-17-02, at 1 (S.C. Sup. Ct. filed Jan. 17, 2018). As required by Rule 222(d), SCACR, this motion is "accompanied by a sworn, itemized statement of costs incurred in the form prescribed by the Appendix to these rules." Per the enclosed sworn statement of itemized costs, Mock is seeking a total of \$3,616.15 in costs on appeal from Samuels-Cooper.

Because Mock was required to incur great expense during the appeal of this matter, he respectfully requests that the Court grant the present motion and require Samuels-Cooper to pay him \$3,616.15 for costs allowable under Rule 222, SCACR.

Respectfully submitted,

ROBINSON GRAY STEPP & LAFFITTE, LLC

By: 

Robert E. Tyson, Jr.  
SC Bar No. 10820  
rtyson@robinsongray.com  
Vordman Carlisle Traywick, III  
SC Bar No. 102123  
ltraywick@robinsongray.com  
1310 Gadsden Street  
Post Office Box 11449  
Columbia, South Carolina 29211  
(803) 929-1400

*Counsel for Respondent–Appellant Bucky Mock*

Columbia, South Carolina

November 15, 2018

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**ITEMIZED STATEMENT OF COSTS**

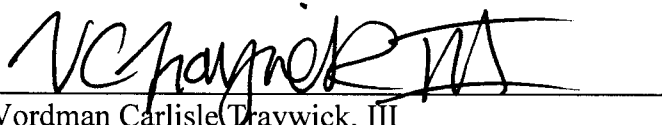
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Respondent-Appellant Bucky Mock requests that the Supreme Court tax costs against  
Appellant-Respondent LaNette Samuels-Cooper, as follows:

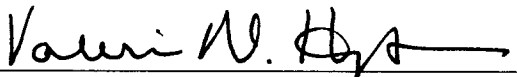
COSTS TAXABLE UNDER RULE 222, SCACR	NO. OF PAGES	RATE	REQUESTED	ALLOWED (For Court Use Only)
Cost of Printing or Copying Final Brief		Invoice attached	\$460.40	

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	\$555.75	
Attorney's Fee Provided by Rule 222(b), SCACR			\$2,500.00	
Other (specify and explain):				
		TOTAL	\$3,616.15	

I, Vordman Carlisle Traywick, III, 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.

  
Vordman Carlisle Traywick, III  
Attorney for Respondent-Appellant

Subscribed and sworn to before me  
this 15 day of NOVEMBER 2018

  
Notary Public for South Carolina  
My Commission Expires: APRIL 27, 2018



# Invoice

Date	Invoice #
10/8/2018	4129220

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

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

Job Number	Client Matter Number	Contact	Terms	Due Date	Due Time
C6197	7186/1500	Valerie H.	Net 30	11/7/2018	10/05
Description		Quantity	Rate	Amount	
COPY(IES) OF B/W 8.5 x 11 ORIGINAL(S) GBC/SPIRAL COMB BINDING(S)		1,197	0.10	119.70T	
vhampton@robinsongray.com (Valerie) 803.231.7844		63	3.25	204.75T	

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

<b>Subtotal</b>	\$324.45
<b>Sales Tax (8.0%)</b>	\$25.95
<b>Total</b>	\$350.40

Federal Tax ID# 56-2120639



# Invoice

Date	Invoice #
10/3/2018	4129084

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

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

Job Number	Client Matter Number	Contact	Terms	Due Date	Due Time
C6161	7186-1500	VALERIE H.	Net 30	11/2/2018	10/02
Description		Quantity	Rate	Amount	
COPY(IES) OF B/W 8.5 x 11 ORIGINAL(S)		336	0.10	33.60T	
COIL BINDING - 7MM - 38MM		21	3.25	68.25T	
VHampton@robinsongray.com 803.231.7844					

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

Contact Us at  
 Phone # 704.347.0055  
 Fax # 704.347.3421  
 www.novaoffice.net

<b>Subtotal</b>	\$101.85
<b>Sales Tax (8.0%)</b>	\$8.15
<b>Total</b>	\$110.00

**KAY H. RICHARDSON**  
**Post Office Box 282**  
**Aynor, South Carolina 29511**

**INVOICE NUMBER:** 1161  
**DATE OF HEARING:** July 27, 2018  
**DATE OF BILLING:** September 8, 2018

**RE:**

Bucky Mock v. Clarendon County Board of Voter Registration  
& Elections, et al.  
Case Number: 2018-CP-14-00237

**TO:**

**Robert E. Tyson, Jr., Esquire**  
**ROBINSON, GRAY, STEPP & LAFFITTE, LLC**  
**Post Office Box 11449**  
**Columbia, SC 29211**

**THE HEARING HELD BEFORE THE HONORABLE R. FERRELL COTHRAN, JR.:**

Original Transcript (171 PAGES) \$ 555.75

**TOTAL AMOUNT DUE \$ 555.75**



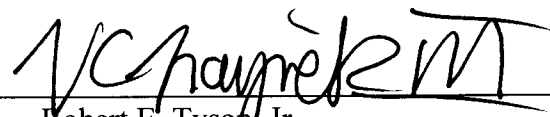
Shaun Kent, Esq.  
Kent Law Firm  
19 Mill Street  
Manning, South Carolina 29102  
***Counsel for Clarendon County Board of Voter Registration & Elections***

J. Eric Cavanaugh, Esq.  
Joseph Thickens, Esq.  
Cavanaugh & Thickens  
Post Office Box 2409  
Columbia, South Carolina 29202  
***Counsel for South Carolina Democratic Party and  
Clarendon Co. Democratic Party***

Harrison D. Brant, Esq.  
1122 Lady Street, Suite 500  
Columbia, South Carolina 29201

T. Parkin C. Hunter, Esq.  
SC Attorney General's Office  
Post Office Box 11549  
Columbia, South Carolina 29211  
***Counsel for South Carolina State Election Commission***

ROBINSON GRAY STEPP & LAFFITTE, LLC

By: 

Robert E. Tyson, Jr.  
SC Bar No. 10820  
rtyson@robinsongray.com  
Vordman Carlisle Traywick, III  
SC Bar No. 102123  
ltraywick@robinsongray.com  
1310 Gadsden Street  
Post Office Box 11449  
Columbia, South Carolina 29211  
(803) 929-1400

***Attorneys for Respondent-Appellant Bucky Mock***