

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM CLARENDON COUNTY
Court of Common Pleas
R. Ferrell Cothran, Jr., Circuit Court Judge

Appellate Case No.: 2018-001520

Bucky Mock, Respondent-Appellant,

vs.

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.

**RETURN OF APPELLANT-RESPONDENT LANETTE SAMUELS-COOPER TO
MOTION OF RESPONDENT-APPELLANT BUCKY MOCK FOR COSTS ON APPEAL**

Pursuant to Rule 222(d), SCACR, Appellant-Respondent hereby submits this return in
objection to the motion of Respondent-Appellant Bucky Mock's for costs on appeal. For the
reasons set forth herein, the Court should deny Mock's motion.

On October 17, 2018, the Supreme Court issued an unpublished opinion where the

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Justices affirmed in part and dismissed as moot in part the appeal of the circuit court's order finding Samuels-Cooper was not a qualified candidate for the office of coroner, but that Mock failed to exhaust his administrative remedies. Further, the Court dismissed Mock's notice of appeal on mootness grounds. 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).

Pursuant to Rule 222(a), SCACR, "when an appeal is affirmed or reversed in part or is vacated, costs shall be allowed only as ordered by the appellate court." Here, the Court affirmed in part and dismissed in part as moot Mock's appeal. In objecting to Mock's motion for fees and costs, Samuels-Cooper would show that the primary issue contained in her appeal was one of first impression before the Court in that she maintained that she had sufficient death investigation experience as required under §17-5-130(A)(2), South Carolina Code of Laws. The relevant portions of the coroner statutes did not define what constitutes death investigation experience and therefore, her appeal had merit. In addition to her own attorney's fees, Appellant-Respondent has incurred costs in the amount of \$1,858.40 in this appeal. Moreover, Samuels-Cooper asserts that a substantial portion of the costs incurred by Mock relates to his cross-appeal, which this Court dismissed as moot. Respondent-Appellant was aware at the time of his filing of his cross appeal that Samuels-Cooper was precluded by the respondents from offering her candidacy in a special election held following the issuance of the circuit court order.

This Court has the authority to determine whether to grant an award of fees and costs, and the amount thereof. Samuels-Cooper would show that Mock's request for attorney's fees and costs should be denied. In the alternative, Appellant-Respondent requests that this Court consider the time expended and costs incurred by Respondent-Appellant in the prosecution of his

cross appeal and reduced the award accordingly.

WHEREFORE, Appellant-Respondent Samuels-Cooper prays for an order denying Respondent-Appellant's request for costs and fees. Alternatively, Samuels-Cooper requests that the amount sought be reduced in the amount deemed just by this Court.

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November 26, 2018

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**CERTIFICATE OF SERVICE FOR RETURN OF APPELLANT-RESPONDENT TO
MOTION FOR COSTS OF RESPONDENT-APPELLANT**

The undersigned attorney for the Appellant-Respondent hereby certifies that the return to the motion of Respondent-Appellant for costs was served on all parties to this action on November 26, 2018 by depositing a copy of the same in the U.S. mail, with sufficient postage attached, and addressed to their respective attorneys of record as follows:

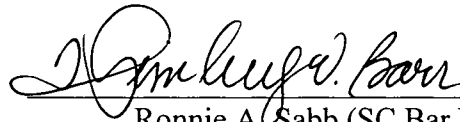
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