

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM MCCORMICK COUNTY
Court of Common Pleas

R. Lawton McIntosh, Circuit Court Judge

RECEIVED

JAN 03 2019

S.C. SUPREME COURT

Appellate Case No. 2017-002583

J.R. Jones, South Carolina Democratic Party, and
McCormick County Democratic Party

Appellants,

vs.

South Carolina Republican Party, McCormick
County Republican Party, Clarke Anderson Stearns,

Respondents.

**RESPONDENT CLARKE ANDERSON STEARNS'S
MOTION FOR COSTS ON APPEAL**

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

This appeal arose out of J.R. Jones, South Carolina Democratic Party, and McCormick County Democratic Party's (collectively "Appellants") unsuccessful challenge to Respondent Clarke Anderson Stearns's qualifications to serve as sheriff of McCormick County. On November 28, 2017, the Honorable R. Lawton McIntosh issued an order declining to award the equitable relief Appellants sought. The circuit court, in relevant part, held Appellants could not invoke the court's equitable powers because they had a known adequate remedy at law of which they chose not to avail themselves. In light of this holding, the circuit court did not reach the issue of whether

Stearns met the statutory qualifications to serve as sheriff of McCormick County. The parties, however, litigated this issue during the hearing on Appellants' motion for preliminary injunction as well as in their post-trial briefs.

Appellants appealed the circuit court's ruling to this Court, arguing the circuit court should have found Stearns did not meet the statutory qualifications for office. On December 12, 2018, this Court issued a published opinion affirming the circuit court's decision not to remove Stearns from office. Jones v. S.C. Republican Party, Op. No. 27854 (S.C. Sup. Ct. filed Dec. 12, 2018) (Shearouse Adv. Sh. No. 49 at 9–15). The Court rejected Appellants' interpretation of the relevant statutes, holding Stearns met the legal qualifications to serve as sheriff of McCormick County. See id. at 13. After Appellants declined to file a petition for rehearing, the Court issued the remittitur to the lower court on December 28, 2018.

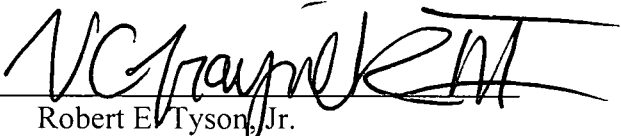
This matter is before the Court on Stearns's motion to recover from Appellants the costs associated with this appeal because the circuit court's judgment was affirmed and he is the prevailing party. See Rule 222(a), SCACR (asserting that "costs shall be taxed against the appellant when the . . . judgment on appeal is affirmed"). Specifically, Stearns 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, Stearns is seeking a total of \$2,677.76 in costs on appeal from Appellants. Because Stearns was required to incur great expense during the appeal of this matter, he respectfully requests that the Court grant the present motion and require Appellants to pay him \$2,677.76 for costs allowable under Rule 222, SCACR.

Respectfully submitted,

ROBINSON GRAY STEPP & LAFFITTE, LLC

By: 

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Counsel for Respondent Clarke Anderson Stearns

Columbia, South Carolina

January 3, 2019

THE STATE OF SOUTH CAROLINA
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R. Lawton McIntosh, Circuit Court Judge

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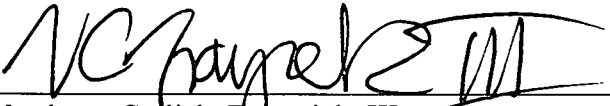
ITEMIZED STATEMENT OF COSTS

Respondent Clarke Anderson Stearns requests that the Supreme Court tax costs against Appellants J.R. Jones, South Carolina Democratic Party, and McCormick County Democratic Party, 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	\$144.01	
Cost of Printing or Copying Final Reply Brief				
Cost of Printing or Copying Record on Appeal				
Filing Fee Paid Under Rule 203(d), SCACR				

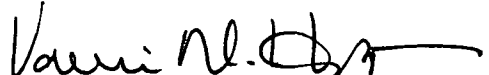
Cost of Court Reporter's Transcript		Invoice attached	\$33.75	
Attorney's Fee Provided by Rule 222(b), SCACR			\$2,500.00	
Other (specify and explain):				
		TOTAL	\$2,677.76	

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

Subscribed and sworn to before me
 this 3RD day of JANUARY, 2019



 Notary Public for South Carolina
 My Commission Expires: APRIL 27, 2027



Invoice

Date	Invoice #
7/13/2018	4127021

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
C5833	6955-1500	Valerie H.	Net 30	8/12/2018	07/12
Description		Quantity	Rate	Amount	
COPY(IES) OF B/W 8.5 x 11 ORIGINAL(S)		651	0.10	65.10T	
COIL BINDING - 7MM - 38MM		21	3.25	68.25T	
vhampton@robinsongray.com 803.231.7844					

Remit Payment To:
 NOVA Office Strategies, Inc
 129 West Trade Street
 Suite 1420
 Charlotte, NC 28202-5314

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

Subtotal	\$133.35
Sales Tax (8.0%)	\$10.66
Total	\$144.01

Federal Tax ID# 56-2120639

LEBLANC COURT REPORTING SERVICES
REGISTERED PROFESSIONAL REPORTER
Post Office Box 184
Lexington, South Carolina 29071
Office: 352-359-4855 Home: 803-808-7500
steve@leblancsreporting.com

FID: 59-2845146

MARCH 25, 2018

ROBERT E. TYSON, JUNIOR, ESQUIRE
SOWELL, GRAY, ROBINSON, STEPP
1310 GADSDEN STREET
COLUMBIA, SOUTH CAROLINA 29211

INVOICE NO.: 18-042

IN RE: ELEVENTH JUDICIAL CIRCUIT, MCCORMICK COUNTY, SOUTH
CAROLINA.
J.R. JONES, ET AL. VS. SOUTH CAROLINA REPUBLICAN
PARTY, ET AL.
CASE NO.: 2016-CP-35-00135.

SERVICES: COPY OF TRANSCRIPT OF HEARING HELD ON OCTOBER 16TH
AND 18TH, 2017, BEFORE JUDGE LAWTON MCINTOSH, IN
MCCORMICK, SOUTH CAROLINA.
TRANSCRIPT E-MAILED ON 2/27/2018.

TRANSCRIPT 45PGS @ .75PP. \$ 33.75

THANK YOU

All amounts are due and payable upon receipt of
this statement and are past due after 30 days.
Vendee shall be obligated to vendor for all
reasonable costs of collection including
reasonable attorney's fees. Interest will be
charged at a rate of 1.5% per month on all past
due amounts.

PLEASE REFERENCE INVOICE NUMBER
OR RETURN COPY WITH REMITTANCE

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PROOF OF SERVICE

I certify that I have caused the service of the Motion for Costs of Respondents on Appellants by U.S. Mail on January 3, 2019, to the attorneys of record at the following addresses:

Counsel Served:

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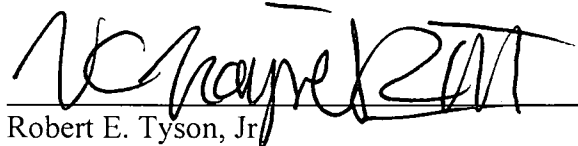
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