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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Appellate Case No. 2016-000790

Ann Stevenson, Claimant,

Appellant,

v.

Wal-Mart Stores, Inc., Employer, and
New Hampshire Insurance Co., Carrier,

Respondents.

RECEIVED
JAN 07 2019
SC Court of Appeals

RESPONDENTS' MOTION FOR COSTS ON APPEAL

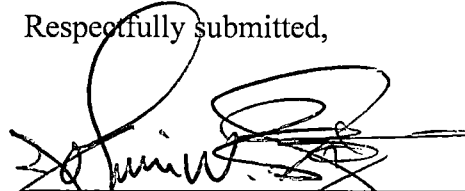
Johnnie W. Baxley, III, Esquire
Willson, Jones, Carter & Baxley, PA
421 Wando Park Boulevard, Suite 100
Mount Pleasant, SC 29464
(843) 284-1082
jwbaxley@wjlaw.net
Attorney for Respondents

Respondents hereby move pursuant to Rule 222, SCACR, for the taxation of costs on appeal against the Appellant. The grounds for this motion are that the Respondents are entitled to the taxation of costs on appeal against the Appellant, as the following shows:

1. Rule 222(a), SCACR, provides that costs shall be taxed against the appellant when the judgment on appeal is affirmed, unless otherwise ordered by the appellate court or agreed by the parties.
2. This motion is timely. “A party desiring costs to be taxed shall, within fifteen (15) days of the issuance of the remittitur, serve and file a motion requesting that costs be assessed under this Rule.” Rule 222(d), SCACR. The remittitur was issued on December 28, 2018, less than fifteen (15) days before the service and filing of this motion.
3. The Respondents have incurred taxable costs in the amount of \$391.66, as is shown on the attached itemized statement of costs.
4. Rule 222(b), SCACR, provides that the party entitled to recover costs shall also be entitled to recover an attorney’s fee in an amount which shall be set by order of the Supreme Court. By order dated January 17, 2018, the amount of attorney’s fee was set at \$2,500.00. (The Respondents’ attorney’s fees on this appeal exceeded \$2,500.00).
5. The Respondents are entitled to an Order taxing costs against the Appellant.
6. As a brief background, the single Commissioner issued his original Decision and Order on October 13, 2015. The Full Commission affirmed the single Commissioner’s findings on March 28, 2016. The South Carolina Court of Appeals affirmed the Full Commission on December 12, 2018.

WHEREFORE Respondents pray for an Order taxing costs in the amount of \$2,891.66, or in the alternative, in the amount deemed appropriate by the Court, against the Appellant in this appeal.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Johnnie W. Baxley, III", written over a horizontal line.

Johnnie W. Baxley, III, Esquire
Willson, Jones, Carter & Baxley, PA
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Mount Pleasant, SC 29464
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Attorney for Respondents

January 2, 2019

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ITEMIZED STATEMENT OF COSTS

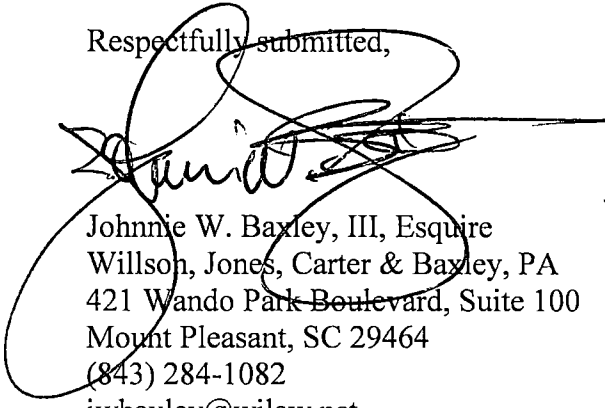
The Appellate Court is requested to tax the following costs against

Ann Stevenson, Appellant

Costs taxable under Rule 222, SCACR	No. of Pages	Rate	Requested	Allowed
Filing fee paid under Rule 203(d), SCACR	N/A	\$100.00 for notice of appeal	\$100.00	
Cost of court reporter's transcript of January 11, 2016 Full Commission hearing	N/A		\$96.25	
Motion Filing Fee, dated December 2, 2016	N/A		\$25.00	
Motion Filing Fee, dated December 28, 2016	N/A		\$25.00	
Motion Filing Fee, dated January 3, 2019	N/A	By order dated October 9, 2018, the filing fee for motions and petitions was set at fifty (\$50) dollars for a motion filed on or after October 15, 2018. Rule 240(d), SCACR	\$50.00	
Cost of Printing/Copying Final Brief, Reply of Respondent, and Record on Appeal	323, plus binding and covers		\$95.41	
Attorney's fee provided by Rule 222(b), SCACR	N/A	Per January 17, 2018 Supreme Court order	\$2,500.00	
TOTAL			\$2,891.66	

I, Johnnie W. Baxley, III, do swear or affirm that the foregoing costs are correct and were necessarily incurred in this action. A copy of this statement was served by mail upon the Appellant.

Respectfully submitted,



Johnnie W. Baxley, III, Esquire
Willson, Jones, Carter & Baxley, PA
421 Wando Park Boulevard, Suite 100
Mount Pleasant, SC 29464
(843) 284-1082
jwbaxley@wjlaw.net
Attorney for Respondents

Mount Pleasant, South Carolina

January 2, 2019

SWORN to before me this
2nd day of January, 2019

Lisa Beth Rank

Notary Public for South Carolina

My Commission Expires: 4/14/24



CREEL COURT REPORTING, INC.

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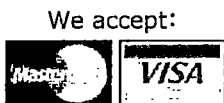
Tax ID: 57-1016805

INVOICE NO. 17-0041

Johnnie W. Baxley, III, Esquire
Willson, Jones, Carter & Baxley, LLC
421 Wando Park Blvd., Suite 100
Mt. Pleasant, South Carolina 29464

Attorney for Defendant

RE: Ann Stevenson vs. Wal-Mart Stores, Inc. and American Home Assurance WCC No. 1303465	0.00 0.00
ORIGINAL AND ONE COPY - Hearing on 1.11.16	
Transcript of Hearing	89.25
Postage	7.00
E-Transcript	0.00
Condensed Transcript/Key Word Index	0.00



We accept:

Total	\$96.25
Payments/Credits	\$0.00
Balance Due	\$96.25

THANK YOU!

(Please return copy with remittance)

/jv

Date	Invoice #
8/8/2017	CHS147806

Bill To
Holly Horsman WILLSON JONES CARTER & BAXLEY P.A. 421 Wando Park Boulevard, Suite 100 Mount Pleasant, SC 29464

Job #: CHS19163

Client Ref. #	Terms	Rep	Ordered By
2016-000790	Net 30	CDavis	Holly Horsman

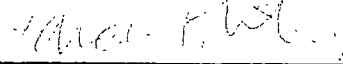
Description	Qty	Rate	Amount
Copying:Legal Brief Copies	323	\$0.110	\$35.53T
Binding:Card Covers	18	\$1.000	\$18.00T
Binding:Spiral Bind 1 in.	17	\$2.000	\$34.00T

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Subtotal:	\$87.53
Tax(0.09):	\$7.88
Total:	\$95.41

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Date:

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Respondents.

CERTIFICATE OF SERVICE

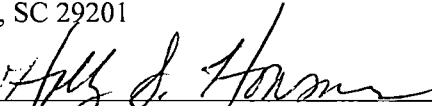
I, Sarah A. Fitzellen, do hereby certify that I am the Legal Assistant for Johnnie W. Baxley, III, Esquire, attorney for the Respondents with **WILLSON JONES CARTER & BAXLEY, P.A.** in Mount Pleasant, South Carolina, and that on January 2, 2019, I mailed the foregoing **RESPONDENTS' MOTION FOR COSTS ON APPEAL** to the following by placing a copy thereof in the United States mail, proper postage affixed thereto:

Certified Mail/Return Receipt

Ann Stevenson, Appellant
2261 Greenleaf Dr.
Conway, SC 29526

US Mail/First Class

Jenny Abbott Kitchings, Clerk
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201


Holly S. Horsman

Legal Assistant to Johnnie W. Baxley, III, Esquire
WILLSON JONES CARTER & BAXLEY, P.A.
421 Wando Park Boulevard, Suite 100
Mount Pleasant, SC 29464

January 2, 2019

WILLSON JONES CARR & BAXLEY, P.A.

ATTORNEY AT LAW

GREENVILLE CHARLESTON COLUMBIA CHARLOTTE RALEIGH ATLANTA MYRTLE BEACH

Johnnie W. Baxley, III
Direct (843) 284-1082
Fax (843) 284-1081
jwbaxley@wjlaw.net

421 Wando Park Boulevard
Suite 100
Mt. Pleasant, SC 29464
www.wjclaw.com

January, 2019

The Honorable Jenny Abbott Kitchings, Clerk
S.C. Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RECEIVED
JAN 07 2019
SC Court of Appeals

Re: Ann Stevenson vs. Walmart
Appellate Case No. 2016-00790

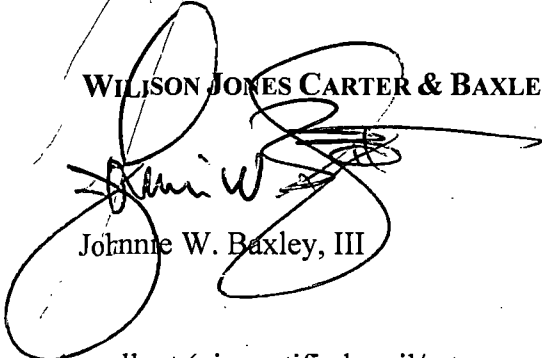
Dear Ms. Kitchings:

Please find the following documents enclosed for filing:

1. Original and three (3) copies of Respondents' Motion for Costs on Appeal and Itemized Statement of Costs;
2. Proof of service of Motion; and
3. A filing fee of \$50.00.

With kindest regards,

WILLSON JONES CARTER & BAXLEY, P.A.


Johnnie W. Baxley, III

JWB/cth

Cc: Ms. Ann Stevenson, Appellant (via certified mail/return receipt)
2261 Greenleaf Drive
Conway, SC 29526

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WILLSON JONES CARTER & BAXLEY, P.A.
ATTORNEYS AT LAW
421 WANDO PARK BOULEVARD
SUITE 100
MOUNT PLEASANT, SC 29464

RECEIVED

JAN 07 2019

SC Court of Appeals

JENNY ABBOTT KITCHINGS,
SOUTH CAROLINA COURT OF APPEALS
P.O. BOX 11629
COLUMBIA, SC 29211

