

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Mildred Anne Kinghorn as Trustee for the Mildred Anne
Kinghorn Trust, Dated April 28, 2004, Respondent,

v.

George C. Sakakini, Appellant.

RECEIVED APPELLATE CASE NO. 2016-001278

MAR 29 2019

SC Court of Appeals

Opinion No. 5632

Notice of Motion and Motion for Costs on Appeal (Rule 222)

Melvin Richardson Hyman, Jr., of Law Firm of M.
Richardson Hyman, Jr., of Charleston, for Appellant.

C. Scott Graber, of Graber Law Firm, of Beaufort, for
Respondent.

On March 6, 2019, the South Carolina Court of Appeals issued its Order affirming the decision of the Honorable Carmen Mullen, said decision being that the Settlement Agreement entered into by the Respondent Kinghorn and Appellant Sakakini was a valid Agreement and the same was enforceable by the Court of Common Pleas of Beaufort County.

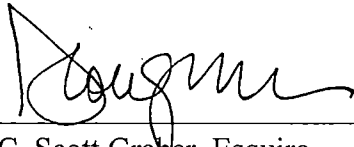
On March 22, 2019 a remittitur was issued.

Rule 222 states that "costs shall be taxed against the Appellant" when the appeal is dismissed or judgment on appeal is affirmed. Rule 222 further says that the prevailing party "shall be entitled to recover an attorney's fee in an amount to be set by Order of the Supreme Court."

Further, the attorney's fees have been set by the South Carolina Supreme court at \$2,500.

Now, therefore, Respondent gives notice to Richardson Hyman, Jr., attorney for the Appellant and moves this Court to award Respondent Kinghorn an attorney's fee in the amount of \$2,500.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "C. Scott Graber", written over a horizontal line.

C. Scott Graber, Esquire
SC Bar No. 2193
Graber Law Firm
605 Carteret Street
Beaufort, SC 29902
843-524-8204
843-524-2354 Fax
cscottgraber@gmail.com
Attorney for Respondent

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v.

George C. Sakakini, Appellant.

APPELATE CASE NO. 2016-001278

Opinion No. 5632

Memorandum of Law Supporting the Motion for Costs on Appeal (Rule 222)

Melvin Richardson Hyman, Jr., of Law Firm of M.
Richardson Hyman, Jr., of Charleston, for Appellant.

C. Scott Graber, of Graber Law Firm, of Beaufort, for
Respondent.

This Motion for an Attorney's Fee (\$2,500) rests upon the plain language of Rule 222 (b) of the South Carolina Appellate Court Rules that says, in part,

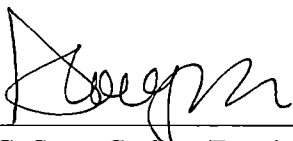
"In addition, the party shall be entitled to recover an attorney's fee in an amount which shall be set by Order of the Supreme Court."

The Respondent, Kinghorn, is the party "entitled to recover costs" as well as Attorney's fee, because the judgment of the Honorable Carmen Mullen was affirmed and therefore "costs shall be taxed against appellant."

The current attorney's fee as promulgated by the South Carolina Supreme Court in Order dated January 17, 2018, is \$2,500.

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Respectfully Submitted,



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Attorney for Respondent

THE STATE OF SOUTH CAROLINA
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v.

George C. Sakakini, Appellant.

APPELATE CASE NO. 2016-001278

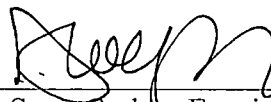
Opinion No. 5632

CERTIFICATE OF SERVICE

I hereby certify that on this 21 day of March, 2019, a copy of the foregoing Notice of Motion and Motion for Costs on Appeal (Rule 222); Memorandum of Law Supporting the Motion for Costs on Appeal (Rule 222) and Itemized Statement of Costs were mailed with the proper prepaid postage through the United States postal Service to:

M. Richardson Hyman, Jr.
Post Office Box 127
Charleston, SC 29402

RESPECTFULLY SUBMITTED,



C. Scott Graber, Esquire
SC Bar No. 2193
Attorney for the Defendants
605 Carteret Street
Beaufort, SC 29902
843-524-8204

Beaufort, South Carolina
March 21, 2019

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SC Court of Appeals

GRABER LAW FIRM
605 CARTERET STREET
BEAUFORT, SOUTH CAROLINA 29902

C. SCOTT GRABER
ATTORNEY AT LAW

TELEPHONE (843) 524-8204
FAX (843) 524-2354
EMAIL escottgraber@gmail.com

March 27, 2019

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

RE: Kinghorn v. Sakakini; Appellant Case #2016-001278; Opinion #5632

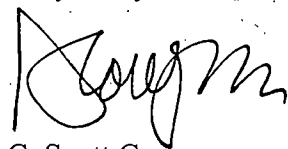
Dear Mrs. Kitchings:

I have attached a Notice of Motion and Motion for Costs (Rule 222); a Memorandum of Law supporting the Motion; and Itemized Statement of Costs against George Sakakini; a Certificate of Service; and a check in the amount of \$50.00 which represents the Motion filing fee.

Please file this in the SC Court of Appeals.

With kindest regards, I am

Very Truly Yours,



C. Scott Graber
CSG/scr

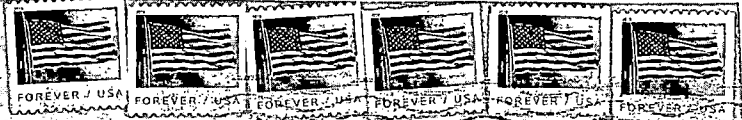
Enclosure

cc: M. Richardson Hyman, Jr.

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SC Court of Appeals



CHARLESTON SC 294
WED 27 MAR 2019 4:41

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SC Court of Appeals

Scott Graber
GRABER LAW FIRM
605 CARTERET STREET
BEAUFORT, SC 29902
USA

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