

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED
MAY 28 2014
SC COURT OF APPEALS

APPEAL FROM PICKENS COUNTY
Court of Common Pleas

Edward W. Miller, Circuit Court Judge

Case No. 2010-CP-39-405

John Walton

Respondent

v.

Mitchell L. Bagwell

Appellant,

SUPPLEMENTAL RECORD ON APPEAL

Kraig A. Pringle
114 Whitsett Street
Greenville, SC 29601
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ATTORNEY FOR APPELLANT

Larry C. Brandt
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Walhalla, SC 29691
(864)638-5406
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ATTORNEY FOR RESPONDENT

WALTON V. BAGWELL

INDEX TO SUPPLEMENTAL RECORD ON APPEAL

I. EXHIBIT

PLAINTIFF'S EXHIBIT.....240(a)

Exhibit No, 9: Affidavit of Attorney's Fees and Costs.....240(a)

STATE OF SOUTH CAROLINA)
COUNTY OF PICKENS)

COURT OF COMMON PLEAS

John Walton,)
Plaintiff,)
vs.)
Mitchell L. Bagwell,)
Defendant.)
_____)

**AFFIDAVIT OF ATTORNEY
FEES AND COSTS**

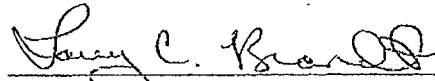
Case #2010-CP-39-405

I, the undersigned, Larry C. Brandt, after being duly sworn on oath, depose and say:

My name is Larry C. Brandt and I am an attorney practicing law in Walhalla, South Carolina. I am a member in good standing of the South Carolina Bar and Oconee County Bar Associations, and I have been duly licensed to practice law in the State of South Carolina since September, 1970, and have been in private practice in Oconee County, South Carolina, since April 1, 1975.

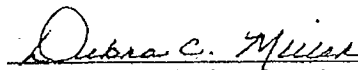
On March 9, 2009, I was retained by the Plaintiff, John Walton, to represent him in an action against Mitchell L. Bagwell for breach of Lease Agreement.

My agreement with Mr. Walton was that I would represent him for a fee of \$250.00 per hour, plus reimbursement of all out-of-pocket expenses incurred. To date, I have expended a total of **77.00 billable hours, plus costs**, which total the sum of **TWENTY THOUSAND SIX HUNDRED TWENTY NINE AND 18/100 (\$20,629.18) DOLLARS**, as more fully set out in detail upon the statements attached hereto.

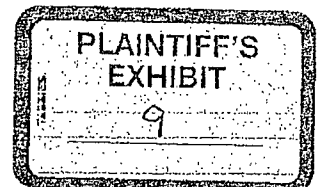


Larry C. Brandt
Attorney For Plaintiff

Sworn to before me this 20th
day of February, 2013.



Notary Public for South Carolina
My Commission Expires: 7-19-2021



LARRY C. BRANDT, P.A.
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864/638-5406

Invoice submitted to:
DR. JOHN WALTON
402 MEMORIAL DRIVE EXTENSION
GREER, SC 29651-1818

In Reference To:
MITCHELL BAGWELL
CELLAR WINE & RESTAURANT

FEES & COSTS RECAP

Feb. 20, 2013

<u>Fees Incurred</u>		<u>Hrs/Rate</u>	<u>Amount</u>
11/11/2009	Fees billed (2.40 hrs / 1.80 billed to client)	1.80 \$	450.00
4/4/2011	Fees billed (13.70 hrs)	13.70 \$	3,425.00
5/3/2011	Fees billed (7.20 hrs)	7.20 \$	1,800.00
7/7/2011	Fees billed (23.00 hrs)	23.00 \$	5,750.00
1/23/2012	Fees billed (4.50 hrs)	4.50 \$	1,125.00
2/20/2013	Fees due and estimated for trial	26.80 \$	6,700.00
For professional services rendered		77.00 \$	19,250.00

Costs Incurred:

4/4/2011	Long distance and fax charges	\$	4.44
3/3/2010	Clerk of Court (filing Complaint)	\$	150.00
3/9/2010	Service of Complaint	\$	120.00
5/2/2010	Long distance and fax charges	\$	12.72
12/6/2010	Long distance and fax charges	\$	18.36
4/29/2011	Postage (mailing discovery)	\$	6.70
5/3/2011	Long distance and fax charges	\$	2.50
5/12/2011	Mileage to Bagwell depo	\$	48.50
5/25/2011	Gallagher Court Reporting (Bagwell, Nelson & Baugknight depositions)	\$	470.30
	Mileage to Nalley depo	\$	34.88
6/10/2011	Foothills Court Reporting (Nalley depo)	\$	257.00
12/31/2011	Long distance and fax charges	\$	2.50

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2/12/2013	Charles Nelson Garrison Subpoena-Witness Fee/Travel	\$ 47.04
2/18/2013	Service of Garrison Subpoena	\$ 106.50
	Attempted service of Subpoena upon Wes Nalley	\$ 47.46
2/20/2013	Mileage to Pickens for hearing	\$ 30.28
	Long distance and fax charges	<u>\$ 20.00</u>
	Total costs	\$ 1,379.18
	TOTAL FEES & COSTS INCURRED	<u>\$ 20,629.18</u>

292(a)

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Nov. 11, 2009

Professional Services		<u>Hrs/Rate</u>	<u>Amount</u>
3/9/2009	Phone conference with Dr. Walton regarding Nalley interferred with obtaining a tenant; tenant wants it beyond Walton's term	0.30 250.00/hr	75.00
3/13/2009	Reviewed ground lease and settlement agreement of Easley property - told him correctly previously	0.60 250.00/hr	NO CHARGE
	Prep of letter reporting review of ground lease with Forest Acres Real Estate Co. and settlement	0.40 250.00/hr	100.00
7/1/2009	Phone conference with client regarding lease breach	0.20 250.00/hr	50.00
9/2/2009	Brief conference with Dr. Walton regarding Bagwell and Palmer	0.30 250.00/hr	75.00
10/14/2009	Thad pulled arbitration act (SC); preparation of letter to Bagwell's attorney; revision of letter	0.60 250.00	150.00
		<u>2.40</u>	<u>450.00</u>
Costs - Additional Charges:			
Total costs			<u>0.00</u>
Balance Due			<u>\$ 450.00</u>

243(a)

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April 4, 2011

Professional Services	<u>Hrs/Rate</u>	<u>Amount</u>
12/17/2009 Composed complaint [TBB]	3.20 \$ 250.00/hr	800.00
12/30/2009 Drafted retainer - mailed with complaint to client [TBB]	0.50 \$ 250.00/hr	125.00
3/3/2010 Finished complaint and mailed for filing [TBB]	1.70 \$ 250.00/hr	425.00
3/8/2010 Drafted affidavit of service; gave complaint to Sam [TBB]	0.20 \$ 250.00/hr	50.00
5/17/2010 Wrote and mailed letter to opposing counsel [TBB]	0.50 \$ 250.00/hr	125.00
6/4/2010 Spoke with opposing counsel [TBB]	0.20 \$ 250.00/hr	50.00
7/6/2010 Worked on Interrogatories [TBB]	2.00 \$ 250.00/hr	500.00
8/4/2010 Call to Joyce Dunn; worked on interrogatories [TBB]	0.50 \$ 250.00/hr	125.00
8/9/2010 Finished interrogatories [TBB]	1.00 \$ 250.00/hr	250.00

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		<u>Hrs/Rate</u>	<u>Amount</u>
8/11/2010	Spoke with Dr. Walton's assistant [TBB]	0.20 \$ 250.00/hr	50.00
10/13/2010	Drafted and mailed Interrogatories and Requests for Production [TBB]	0.80 \$ 250.00/hr	200.00
2/18/2011	Review Requests for Admissions and Defendant's responses to discovery; conference with Thad [LCB]	0.70 \$ 250.00/hr	175.00
3/1/2011	Telephone call with Joyce Dunn - Dr. Walton secretary; prepared responses to Requests to Admit [TBB]	1.00 \$ 250.00/hr	250.00
3/2/2011	Served responses to Defendant's Requests to Admit [TBB]	0.20 \$ 250.00/hr	50.00
3/29/2011	Worked on second Requests to Admit and emailed client [TBB]	1.00 \$ 250.00/hr	250.00
	For professional services rendered	<u>13.70</u> \$	<u>3,425.00</u>
	Costs - Additional Charges:		
12/31/2009	Long distance and fax charges		\$ 4.44
3/3/2010	Clerk of Court (filing Complaint)		\$ 150.00
3/9/2010	Service of Complaint		\$ 120.00
5/2/2010	Long distance and fax charges		\$ 12.72
12/6/2010	Long distance and fax charges		\$ 18.36
	Total costs		<u>\$ 305.52</u>
	Total amount of this bill		<u><u>\$ 3,730.52</u></u>

245(a)

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May 3, 2011

	Professional Services	<u>Hrs/Rate</u>	<u>Amount</u>
4/4/2011	Spoke with client regarding Requests to Admit; spoke with Nelson Garrison; finished Requests to Admit and served them [TBB]	1.20 \$ 250.00/hr	300.00
4/11/2011	Phone call from Dr. Walton regarding Interrogatories [TBB]	0.10 \$ 250.00/hr	25.00
4/25/2011	Spoke with client regarding Interrogatories [TBB]	0.20 \$ 250.00/hr	50.00
4/26/2011	Emailed Dr. Walton regarding past due Interrogatories [TBB]	0.10 \$ 250.00/hr	25.00
4/27/2011	Prepared and served Interrogatories and Requests to Produce; spoke with client; scheduled and Noticed Deposition of Defendant [TBB]	4.00 \$ 250.00/hr	1,000.00
4/29/2011	Spoke with Wes Nalley; amended first Interrogatories and served them [TBB]	0.50 \$ 250.00/hr	125.00
5/3/2011	Phone call to Wes Nalley (not in - left message to call); prepared for depositions; drafted Affidavits for Wes Nalley to sign [TBB]	1.10 \$ 250.00/hr	275.00
	For professional services rendered	7.20 \$	1,800.00

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Costs - Additional Charges:

4/29/2011	Postage (mailing discovery)	\$	6.70
5/3/2011	Long distance and fax charges	\$	2.50
	Total costs	\$	9.20
	Total amount of this bill	\$	<u>1,809.20</u>

247 (a)

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July 7, 2011

	Professional Services	<u>Hrs/Rate</u>	<u>Amount</u>
5/3/2011	Conference with Thad regarding evidence, time line, Wes Nalley, etc. [LCB]	0.50 \$ 250.00/hr	125.00
5/9/2011	Spoke with Wes Nalley regarding case and proposed affidavit; prepared and emailed proposed affidavit to Nalley; prepared for depositions [TBB]	3.70 \$ 250.00/hr	925.00
5/10/2011	Depositions of Garrison, Bauknight and Bagwell in Greenville [TBB]	7.50 \$ 250.00/hr	1,875.00
5/12/2011	Spoke with Dr. Walton [TBB]	0.30 \$ 250.00/hr	75.00
5/25/2011	To Easley with Thad for depo of Wes Nalley [LCB]	3.00 \$ 250.00/hr	750.00
	Prepared for Nalley depo; Nalley depo [TBB]	5.70 \$ 250.00/hr	1,425.00
5/20/2011	Prepared for Summary Judgment hearing [TBB]	2.00 \$ 250.00/hr	500.00
5/31/2011	Spoke with opposing counsel regarding cancellation of hearing; spoke with client regarding cancellation of hearing [TBB]	0.30 \$ 250.00/hr	75.00
	For professional services rendered	<u>23.00 \$</u>	<u>5,750.00</u>

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Costs - Additional Charges:

5/12/2011	Mileage to Bagwell depo (95.1 miles @ \$.51/mile)	\$ 48.50
5/25/2011	Gallagher Court Reporting (Nelson & Bauknight depositions)	\$ 470.30
	Mileage to Nalley depo (68.4 miles @ \$.51/mile)	\$ 34.88
6/10/2011	Foothills Court Reporting (Nalley depo)	<u>\$ 257.00</u>
	Total costs	<u>\$ 810.68</u>
	Total amount of this bill	<u><u>\$ 6,560.68</u></u>

249(a)

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Jan. 23, 2012

	Professional Services	<u>Hrs/Rate</u>	<u>Amount</u>
8/5/2011	Phone conference with Nathan Farmer - wants to amend Answer [LC]	0.10 \$ 250.00/hr	25.00
9/19/2011	Received email of desired Answer and Counter Claim; reviewed with original Answer and compared; dictated Reply; phone conference with Nathan Farmer [LCB]	2.00 \$ 250.00/hr	500.00
9/20/2011	Reviewed proposed Amended Answer; dictated Reply; phone conference with Nathan Farmer [LCB]	2.00 \$ 250.00/hr	500.00
9/30/2011	Review of Reply to Defendant's first amended answer [LCB]	0.20 \$ 250.00/hr	50.00
11/7/2011	Phone call to Nathan Farmer regarding Amended Answer - received filed copy of Amended Answer and responded thereto [LCB]	0.20 \$ 250.00/hr	50.00
	For professional services rendered	4.50 \$	1,125.00
	Costs - Additional Charges:		
12/31/2011	Long distance and fax charges		\$ 2.50
	Total costs		\$ 2.50
	Total amount of this bill		<u>\$ 1,127.50</u>

250(a)

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Feb. 19, 2013

	Professional Services	<u>Hrs/Rate</u>	<u>Amount</u>
12/6/2012	Phone call to Kraig Pringle (2 times - message to call me) [LCB]	0.20 \$ 250.00/hr	50.00
1/15/2013	Email from Cheryl - Pickens COC; phone call to Dr. Walton (C - left message); phone conference with Dr. Walton (C - left message); phone call to Dr. Walton's office (voice message); phone conference with Kraig Pringle; email to Cheryl	1.00 \$ 250.00/hr	250.00
1/17/2013	Brief phone conversation with Kraig Pringle - discussed facts of case and court date; phone call to Pringle at home (884-2343) [LCB]	0.80 \$ 250.00/hr	200.00
1/21/2013	Email from Pringle; answered email regarding cancelling today's appointment [LCB]	0.10 \$ 250.00/hr	25.00
1/29/2013	Emails from Pringle - supposedly tied up in Magistrate Court [LCB]	0.30 \$ 250.00/hr	75.00
2/13/2013	Office conference with Kraig Pringle [LCB]	1.50 \$ 250.00/hr	375.00
2/18/2013	Phone conference with Dr. Walton - scheduled phone conference in morning at 10 am to prepare for trial; returned phone call to Sam Outten regarding Nelson Garrison; (at home) went through file; read depo of Nalley [LCB]	2.90 \$ 250.00/hr	725.00

257(e)

	<u>Hrs/Rate</u>	<u>Amount</u>
2/19/2013 Preparation for trial [LCB]	10.00	\$ 2,500.00
2/20/2013 Trial (travel to and from Pickens) [LCB]	10.00	\$ 2,500.00
For professional services rendered	26.80	\$ 6,700.00
Costs - Additional Charges:		
2/12/2013 Charles Nelson Garrison Subpoena-Witness Fee/Travel		\$ 47.04
2/18/2013 Service of Garrison Subpoena		\$ 106.50
Attempted service of Subpoena upon Wes Nalley		\$ 47.46
2/20/2013 Mileage to Pickens for hearing (53.6 miles @ \$.565/mile)		\$ 30.28
2/20/2013 Long distance and fax charges		\$ 20.00
Total costs		\$ 251.28
Total amount of this bill		\$ 6,951.28
Previous balance		\$ 1,127.50
2/1/2012 Payment - thank you		\$ (1,127.50)
Balance Due		\$ 6,951.28

252 (a)

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In The Court of Appeals

APPEAL FROM PICKENS COUNTY
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Edward W. Miller, Circuit Court Judge

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John Walton

Respondent

v.

Mitchell L. Bagwell

Appellant,

CERTIFICATE OF SERVICE

I certify that on the Twenty-seventh) day of MAY, 2014, I served the *Supplemental Record on Appeal* on the Respondent by delivering a copy into the U.S. Mail, postage prepaid, addressed to the Respondent's counsel of record as follows:

Larry C. Brandt
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Walhalla, SC 29691



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